

In the Matter Of:

IN RE DAPHNE SEBASTIAN

DAPHNE SEBASTIAN

March 21, 2014

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03/21/2014

SEBASTIAN DAPHNE
IN RE DAPHNE SEBASTIAN

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CITY OF CHICAGO

INSPECTOR GENERAL'S OFFICE

OFFICE OF INSPECTOR GENERAL

INTERVIEW OF:

DAPHNE SEBASTIAN

TRANSCRIPT OF PROCEEDINGS had in the
above-entitled cause on the 21st day of March

A.D. 2016

| | |
|---|--------------|
| 1 | APPEARANCES: |
|---|--------------|

2 INSPECTOR GENERAL'S OFFICE

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| | |
|---|--------------------------|
| 4 | Chicago, Illinois 60654, |
|---|--------------------------|

5 | 773-478-5227, by:

6 MS. SARAH S. ANSARI

7 Assistant Inspector General

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9 | MR. KRISTOPHER BROWN

| | |
|----|------------------|
| 10 | Investigator III |
|----|------------------|

11 kbrown@chicagoinspectorgeneral.org,

12 | Appeared on behalf of the Inspector

| | |
|----|-------------------|
| 13 | General's Office; |
|----|-------------------|

14

15 J. RUSSELL LAW, LLC

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18 | 312-207-1220, by:

19 MS. JENNIFER W. RUSSELL

20 | jennifer.russell@jrussellllaw.com,

21 | Appeared on behalf of the Interviewee.

22

23 | ALSO PRESENT:

24 | COMMANDER ROBERT KLIMAS, via telephone.

I N D E X

| | |
|------------------|--------------|
| DAPHNE SEBASTIAN | EXAMINATION |
| BY MS. ANSARI | 6, 40, etc. |
| BY MR. BROWN | 31, 68, etc. |

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(Original exhibits sent to Ms. Ansari.)

1 MS. ANSARI: As a preliminary matter, I am
2 providing the following information: An independent
3 certified court reporter is present today to provide
4 a verbatim transcript of this interview. To aid in
5 the accuracy of the transcript, it is the custom and
6 practice of court reporters to audio-record the
7 interview.

8 The recording is the confidential work
9 product property of the court reporter and it will
10 not be provided to any party, including the Office
11 of Inspector General. If you request, the audio
12 recording will be discontinued.

13 So, Officer Sebastian, are you okay with
14 the court reporter?

15 THE INTERVIEWEE: Yes.

16 MS. ANSARI: Let the record reflect that
17 today's date is March 21, 2016. The time is --

18 MS. RUSSELL: I'm sorry, did you mean the audio
19 recording of the --

20 MS. ANSARI: The audio recording, correct.

21 Let the record reflect that today's date
22 is March 21, 2016. The time is 10:17. We are
23 located at Amicus Court Reporters, 300 West Adams,
24 Suite 800. My name is Sarah Ansari, the court

1 reporter is Andrew Pitts, and I'd ask that the other
2 individuals present identify themselves and spell
3 their name for the record.

4 MR. BROWN: Kristopher Brown, B-R-O-W-N, City
5 of Chicago, Office of Inspector General.

6 MS. RUSSELL: Jennifer Russell, R-U-S-S-E-L-L,
7 counsel for Officer Sebastian.

8 THE INTERVIEWEE: Daphne Sebastian,
9 S-E-B-A-S-T-I-A-N.

10 MS. ANSARI: There are no other individuals
11 present.

12 We are here today pursuant to an
13 investigation being conducted under Chapter 2-56 of
14 the Municipal Code of the City of Chicago. We are
15 here for an interview of Officer Daphne Sebastian.

16 Officer Sebastian, would you please raise
17 your right hand, and the court reporter will swear
18 you in.

19 (Whereupon, the Interviewee was
20 administered an oath.)

21 MS. RUSSELL: And prior to Officer Sebastian
22 continuing her statement, we are asking for the
23 Office of Inspector General's position on whether it
24 believes criminal charges are probable in this case.

1 We believe that if, in fact, criminal charges are
2 probable that the officer should be entitled to
3 remain silent.

4 MS. ANSARI: OIG is conducting an
5 administrative investigation, not a criminal
6 investigation. We are not conducting a joint
7 investigation and not working with any other law
8 enforcement agency, including the State's Attorney.

9 As a result, we do not have an opinion on
10 whether or not criminal charges are probable.

11 MS. RUSSELL: Our position then is regardless
12 of whether or not the Office of Inspector General
13 terms this an administrative investigation or
14 otherwise, we believe that Officer Sebastian is
15 entitled to remain silent.

16 MS. ANSARI: So we'll start with administrative
17 rights.

18 DAPHNE SEBASTIAN,
19 called as an Interviewee herein, having been first
20 administered an oath, was examined and testified as
21 follows:

22 EXAMINATION

23 BY MS. ANSARI:

24 Q. Officer Sebastian, I am now going to hand

1 you a form that is marked Advisement of Rights.
2 This has already been filled out with your name, my
3 name, and Investigator Brown's name. I am going to
4 ask you to read along with me as I go through it,
5 and then I will ask you after each paragraph to
6 acknowledge that you have read the paragraph.

7 A. Okay.

8 Q. "I understand that this interview is part
9 of an official investigation and that I have a duty
10 to cooperate with the Office of Inspector General,
11 which includes answering all questions completely
12 and truthfully."

13 Have you read that paragraph?

14 A. Yes, ma'am.

15 Q. "I understand that I have no right to
16 remain silent. I understand that I have an
17 obligation to answer questions put to me
18 truthfully. I understand that if I refuse to
19 answer questions put to me, I will be ordered by a
20 superior officer to answer the questions.

21 "I further understand and have been
22 advised that if I persist in my refusal to answer
23 after an order to do so, such further refusal
24 constitutes a violation of the rules and

1 regulations of the Chicago Police Department and
2 may serve as the basis for my discharge."

3 | A. I've read it and understand it.

4 Q. "I understand and have been advised that
5 my statements or responses may constitute an
6 official police report. I understand that Rule 14
7 of the Chicago Police Department's rules and
8 regulations prohibits making a false report written
9 or oral. And I further understand that making such
10 a false report, whether written or oral, may result
11 in my separation from the Chicago Police
12 Department."

13 | A. I've read and understand it.

14 Q. "I understand that any statement made by
15 me during this interview may be used as evidence of
16 misconduct or as the basis for disciplinary action
17 up to and including removal or discharge."

18 | A. I've read and understand it.

19 Q. "I understand that any statement made by
20 me during this interview and the fruits thereof
21 cannot be used against me in a criminal
22 proceeding."

23 A. I have read and understand it.

24 Q. "I understand that I have a right to have

1 a union representative or legal counsel of my
2 choosing present at the interview to consult with
3 and that I will be given a reasonable time to
4 obtain a union representative or legal counsel as
5 long as the interview is not unduly delayed."

6 A. I've read and understand it.

7 Q. "I understand the refusal to answer any
8 question or any false, inaccurate, or deliberately
9 incomplete statement by me would constitute a
10 violation of Chicago Municipal Ordinance 2-56 and
11 may serve as the basis for my discharge."

12 | A. I've read and understand it.

13 Q. "I acknowledge that the statement of my
14 administrative rights has been read aloud to me and
15 that I have been allowed to review this document."

| | |
|----|-------------|
| 16 | A. I agree. |
|----|-------------|

17 Q. If you will please sign at the bottom of
18 this document.

19 MS. RUSSELL: Prior to executing this document.

20 THE INTERVIEWEE: Upon the advice of my
21 counsel, I am refusing to answer further questions
22 without the direct order of an immediate supervisor
23 or a superior officer.

24

1 BY MS. ANSARI:

2 Q. Officer Sebastian, is it fair to say that
3 you will not answer questions from the Office of
4 Inspector General regarding the Laquan McDonald
5 shooting?

6 A. Upon the advice of my counsel, yes, I am
7 refusing to answer questions without a direct
8 order.

9 MS. ANSARI: At this time I am going to place a
10 phone call to Commander Robert Klimas.

11 Counsel, is it fair to say that you have
12 agreed that we could have Commander Klimas order
13 Officer Sebastian to answer questions via telephone?

| | |
|----|-----------------------|
| 14 | MS. RUSSELL: Correct. |
|----|-----------------------|

15 (Whereupon, a phone call was placed
16 to Commander Klimas.)

17 | COMMANDER KLIMAS: Bob Klimas.

18 MS. ANSARI: Commander Klimas, this is Sarah
19 Ansari from the Office of the Inspector General.

20 COMMANDER KLIMAS: Good morning.

21 MS. ANSARI: Good morning. We are currently in
22 a court-reported interview. Officer Daphne
23 Sebastian, her counsel Jennifer Russell is here,
24 Investigator Kris Brown, and I are all here.

1 violation of the applicable collective bargaining
2 agreement, but I have been advised that I will lose
3 my job if I refuse to provide a statement. This
4 statement is not being made voluntarily, but under
5 duress, and it is only being made at this time
6 because I know that I will lose my job if I refuse
7 the direct order being given to me by Commander
8 Klimas. I am invoking each and every right granted
9 to me under Garrity vs. New Jersey.

10 Also, on the advice of counsel, I am
11 making the following additional objections. I am
12 objecting to the fact that the City of Chicago
13 Inspector General's Office is making allegations
14 against me and conducting an investigation into its
15 own allegations.

16 I am be objecting that this interview is
17 taking place before an arbitrator has decided the
18 issues that were raised in regards to this
19 investigation. The Fraternal Order of Police has
20 filed a grievance and injunction regarding this
21 investigation, and the Inspector General refused to
22 postpone this interrogation.

23 I am also objecting that I have requested
24 my prior sworn testimony, namely the testimony I

1 Q. I am going to mark as Exhibit 3 --

2 MR. BROWN: You didn't have one?

3 THE INTERVIEWEE: Oh, here you go.

4 (Whereupon, Exhibit 3 was marked
5 for identification.)

6 BY MS. ANSARI:

7 Q. This document is entitled Notification of
8 Allegations, dated February 24, 2016.

9 Officer Sebastian, have you seen this
10 Exhibit?

11 A. Yes, ma'am.

12 Q. Did IAD provide you this document on or
13 about February 24, 2016?

14 A. Yes.

15 MS. ANSARI: Can you read back? Did I
16 accidentally call that one 4, the one that we just
17 entered into the record?

18 (Whereupon, the record was read by
19 the reporter as requested.)

20 MS. ANSARI: Marking as Exhibit 4 a document
21 entitled Receipt Form dated February 24, 2016.

22 (Whereupon, Exhibit 4 was marked
23 for identification.)

24

1 BY MS. ANSARI:

2 Q. Officer Sebastian, have you seen this
3 document?

4 | A. Yes, ma'am.

5 Q. Did IAD provide you with this document on
6 or about February 24, 2016?

| | |
|---|---------|
| 7 | A. Yes. |
|---|---------|

8 Q. If you will turn to the second page. Is
9 that your signature on this document?

| | |
|----|---------|
| 10 | A. Yes. |
|----|---------|

11 MS. RUSSELL: And, for the record, Officer
12 Sebastian states that she received audio files from
13 813 Robert and 845 Robert. No audio files were
14 contained in the materials she was provided, as we
15 will fully explore later.

16 MS. ANSARI: Marking as Exhibit 5 the
17 transcript of Officer Sebastian's October 21, 2014
18 interview with the Independent Police Review
19 Authority.

20 (Whereupon, Exhibit 5 was marked
21 for identification.)

22 BY MS. ANSARI:

23 Q. Officer Sebastian, have you seen this
24 document?

1 A. Yes.

2 Q. Did IAD provide you with this document on
3 or about February 24, 2016?

4 A. Yes.

5 (Whereupon, Exhibit 6 was marked
6 for identification.)

7 MS. ANSARI: Marking as Exhibit 6 an excerpt of
8 a CPD case supplementary report dated March 16, 2015
9 with RD number HX 475653 containing Officer
10 Sebastian's statement to Detective March.

11 BY MS. ANSARI:

12 Q. With respect to Exhibit 6, Officer
13 Sebastian, have you seen it?

14 A. Yes.

15 Q. Did IAD provide you with this document on
16 or about February 24, 2016?

17 A. Yes.

18 (Whereupon, Exhibit 7 was marked
19 for identification.)

20 MS. ANSARI: Marking as Exhibit 7 a general
21 progress report dated October 20, 2014 with RD
22 number HX 475653 containing Detective March's notes
23 of his interview with Officer Sebastian.

24

1 BY MS. ANSARI:

2 Q. Officer Sebastian, have you seen this
3 document?

| | |
|---|---------|
| 4 | A. Yes. |
|---|---------|

5 Q. Did IAD provide you with this document on
6 or about February 24, 2016?

7 | A. Yes, ma'am.

8 Q. Okay. In order to prepare for today's
9 interview, did you review the materials we have
10 provided so far?

| | |
|----|---------|
| 11 | A. Yes. |
|----|---------|

12 Q. Those materials included video from the
13 in-car video systems of vehicle 813 and 845,
14 correct?

15 A. They did; however, I was unable to -- I
16 reviewed the documents. I was unable to review the
17 video from 845 and 813's vehicle. I was able to
18 pull up the Dunkin' Donuts one.

| | | |
|----|----|-------|
| 19 | Q. | Okay. |
|----|----|-------|

20 A. For some reason, I don't know whether
21 it's my computer, I couldn't view it. So --

22 Q. So you viewed the Dunkin' Donuts security
23 video, but you were unable to review the video from
24 813 Robert and 845 Robert?

| | |
|---|-------------|
| 1 | A. Correct. |
|---|-------------|

2 Q. Since receiving our notice of interview,
3 did you review any other materials for this
4 interview other than the materials we provided you?

| | | |
|---|----|-----|
| 5 | A. | No. |
|---|----|-----|

6 Q. Aside from your attorney, who did you
7 speak to in preparation for this interview?

8 A. Just my attorney.

9 MS. ANSARI: And, Jennifer, I just wanted to
10 confirm for the record that we will provide the
11 transcript within 72 hours of receipt, not within
12 72 hours of the interview. Is that --

13 MS. RUSSELL: Agreed. Understood.

14 BY MS. ANSARI:

15 Q. So I am going to start with some
16 background questions.

| | |
|----|---------------------------|
| 17 | What is your star number? |
|----|---------------------------|

| | | |
|----|----|-------|
| 18 | A. | 2763. |
|----|----|-------|

19 Q. Okay. And your current unit of
20 assignment?

| | |
|----|------------------|
| 21 | A. 8th district. |
|----|------------------|

22 Q. Was your unit of assignment the 8th
23 District on October 20, 2014?

| | |
|----|---------|
| 24 | A. Yes. |
|----|---------|

1 couple changes. So I'm not sure who the commander
2 was that night.

3 Q. What is your personal cell phone number
4 as of -- what is your personal cell phone number?

5 A. [REDACTED].

6 Q. Was that your cell phone number as of
7 October 20, 2014?

8 A. Yes.

9 MS. ANSARI: Do you have any background
10 questions?

11 MR. BROWN: I do not.

12 BY MS. ANSARI:

13 Q. So we are going to ask you a couple
14 questions about your statement to the Grand Jury.
15 You were summoned to give testimony before a
16 Federal Grand Jury regarding the Laquan McDonald
17 shooting, correct?

18 A. Yes.

19 Q. Did you give testimony -- when was that
20 testimony?

21 A. I don't know what the date was.
22 Sometime in 2015.

23 Q. Was it -- do you remember if it was the
24 summer?

1 A. I don't remember.

2 Q. Do you remember if it was before or after
3 November 2015?

4 A. I don't remember.

5 Q. In your statement to the Grand Jury, did
6 you assert your rights under the Fifth Amendment
7 and refuse to testify?

8 A. No.

9 Q. Did you request immunity to testify?

10 A. No.

11 Q. Were you given any immunity to testify
12 before the Grand Jury?

13 A. No.

14 Q. Do you recall approximately how long you
15 were in the Grand Jury testifying?

16 A. I do not.

17 Q. Was it more than -- was it more than a
18 day?

19 A. No. It was not more than a day.

20 Q. Do you recall if it was more than five
21 hours or less than five?

22 A. I don't recall.

23 Q. Did you provide a witness statement to
24 the Grand Jury?

| 1 | A. | No. |
|---|----|-----|
|---|----|-----|

2 Q. In the Grand Jury, were you asked
3 questions about the Laquan McDonald shooting?

| | |
|---|---------|
| 4 | A. Yes. |
|---|---------|

5 Q. Did you describe the shooting incident?

6 | A. I don't remember.

7 Q. You don't remember describing the
8 incident?

9 A. I don't remember what they asked me. I
10 don't remember.

11 Q. Have you ever testified before a Grand
12 Jury before?

13 | A. Before the Laquan --

14 Q. Before the Grand Jury related to the
15 Laquan McDonald shooting?

| | | |
|----|----|-----|
| 16 | A. | No. |
|----|----|-----|

17 Q. And you are aware if you lie in a Grand
18 Jury, you are potentially subject to criminal
19 liability, correct?

| | |
|----|-------------|
| 20 | A. Correct. |
|----|-------------|

21 Q. So the accuracy of your testimony that
22 day regarding the Laquan McDonald shooting was
23 extremely important, correct?

| | |
|----|---------|
| 24 | A. Yes. |
|----|---------|

1 THE INTERVIEWEE: Can I ask? Let me just ask
2 her a question real quick.

3 MS. ANSARI: Let's go off the record.

4 MR. BROWN: It's 10:41. We are going to go off
5 the record.

6 (Whereupon, a break was taken from
7 10:41 to 10:42 a.m.)

8 MR. BROWN: Time is now 10:42, and we're back
9 on the record.

10 THE INTERVIEWEE: For clarification, I have
11 only testified in front of the Federal Grand Jury
12 the one time. I have been to 26th Street for the
13 Cook County Grand Jury a handful of times in my
14 career.

15 BY MS. ANSARI:

16 Q. In your career -- well, have you been to
17 26th Street in front of the Cook County Grand Jury
18 related to the Laquan McDonald shooting?

| | | |
|----|----|-----|
| 19 | A. | No. |
|----|----|-----|

20 Q. So the only testimony you gave related to
21 the criminal prosecution or in a Grand Jury was the
22 Federal Grand Jury related to the Laquan McDonald
23 shooting, correct?

24 A. That's the only Federal Grand Jury I've

1 been to, yes.

2 Q. And that is the only Grand Jury -- just,
3 that is the only Grand Jury you went to related to
4 Laquan McDonald?

5 A. Yes.

6 Q. Okay. And only once?

7 A. Yes.

8 Q. And you said it was no more than a day?
9 You did not go for more than a day?

10 A. No.

11 Q. Do you recall what you were asked in the
12 Federal Grand Jury?

13 A. I do not recall.

14 Q. And as part of your job as a police
15 officer, it is important to remember details,
16 correct?

17 A. Yes, ma'am.

18 Q. And you would agree that testifying in a
19 Grand Jury was a very important experience,
20 correct?

21 A. Yes.

22 Q. And you have never testified in a Federal
23 Grand Jury before?

24 A. Correct.

1 Q. Have you ever testified related to an
2 officer-involved shooting before?

3 A. No.

4 Q. Okay. So this was an important
5 experience that would stand out in your memory,
6 correct?

7 MS. RUSSELL: The Laquan McDonald shooting or
8 the Grand Jury?

9 MS. ANSARI: The Grand Jury?

10 BY THE INTERVIEWEE:

11 A. I'm sorry. Repeat the question.

12 BY MS. ANSARI:

13 Q. So testifying in front of a Grand Jury
14 would be something that would stand out in your
15 memory?

16 A. Not really.

17 Q. And you stated you don't recall
18 describing the Laquan McDonald shooting in the
19 Grand Jury?

20 A. I don't recall whether I did or not.

21 Q. And you don't recall what the federal
22 prosecutors asked you?

23 A. I didn't --

24 Q. Or what you were asked in the Grand Jury?

1 | A. No, I don't.

2 Q. Okay. Did the federal prosecutors
3 present you with any reports in the Grand Jury, any
4 documents?

5 | A. I don't recall.

6 Q. Were you asked about your statement to
7 IPRA in the Grand Jury?

8 | A. I don't recall.

9 Q. Were you asked about your sometimes
10 Detective March in the Grand Jury?

11 | A. I don't recall.

12 Q. Prior to your Grand Jury testimony, who
13 did you speak with about what you were going to say
14 about the shooting before your Grand Jury?

15 A. My attorney.

16 Q. Did you speak with anyone else besides
17 your attorney?

| | | |
|----|----|-----|
| 18 | A. | No. |
|----|----|-----|

19 | Q. Did you speak with the FBI?

20 A. I did speak with the FBI. I did get
21 interviewed by the FBI.

22 Q. Do you remember how much -- how many days
23 before the Grand Jury you were interviewed by the
24 FBI?

1 | A. No, I don't.

2 | Q. Was it days? weeks? months?

3 | A. I have no idea.

4 Q. Do you recall who interviewed you from
5 the FBI?

6 A. Two females, but I don't recall their
7 names.

8 Q. What did you say to those FBI agents?

9 | A. I don't recall.

| | |
|----|---|
| 10 | Q. Do you remember what you were asked? |
|----|---|

11 A. I don't, other than the events of the
12 evening of the Laquan McDonald shooting.

13 Q. So they asked you to relate your
14 perception of the events of that evening?

15 A. No. The subject matter was of the
16 Laquan McDonald shooting. I don't recall if they
17 asked me the events of that night. The questions
18 that they asked resolved around that evening.

19 Q. Did you have any communications with
20 Officer Mondragon before your Grand Jury testimony?

21 | A. Regarding the Grand Jury testimony?

| | |
|----|------------------|
| 22 | Q. Yes. Correct. |
|----|------------------|

23 A. Other than what day I was going, what
24 time, you know, no.

1 Q. You didn't have any conversations with
2 Officer Mondragon about what you were going to say
3 in the Grand Jury?

| | | |
|---|----|-----|
| 4 | A. | No. |
|---|----|-----|

5 Q. So nothing substantive?

| | |
|---|-------------|
| 6 | A. Correct. |
|---|-------------|

| | |
|---|--------------------|
| 7 | Q. No phone calls? |
|---|--------------------|

| | | |
|---|----|-----|
| 8 | A. | To? |
|---|----|-----|

9 Q. To Officer Mondragon?

10 A. Officer Mondragon? No, not that I can
11 recall.

| | | |
|----|----|-------|
| 12 | Q. | No -- |
|----|----|-------|

13 A. Right. Not -- I mean, not that I can
14 recall, and, again, not regarding any substance.

15 Q. Did you have any communications with
16 Officer Van Dyke before your Grand Jury testimony?

| | | |
|----|----|-----|
| 17 | A. | No. |
|----|----|-----|

18 MS. RUSSELL: Can we just clarify? You know,
19 in preparation for the Grand Jury, between the
20 shooting -- between the shooting and the Grand Jury
21 or --

22 MS. ANSARI: In preparation for the Grand Jury.

23 MS. RUSSELL: Okay.

24

1 BY THE INTERVIEWEE:

2 A. No, I did not.

3 MS. RUSSELL: The answer may be the same,
4 frankly, but I just want to make sure it's --

5 MS. ANSARI: But you're right. It is temporal.

6 BY MS. ANSARI:

7 Q. It is before the Grand Jury in
8 preparation for the Grand Jury.

9 Did you make any attempt to ensure that
10 the statement you were going to provide to the
11 Grand Jury was consistent with the statements
12 provided by other officers who were present at the
13 McDonald shooting?

14 A. No.

15 MS. ANSARI: Kris, do you have any questions
16 regarding Grand Jury?

17 MR. BROWN: I do have a couple quick follow-up
18 questions.

19 THE INTERVIEWEE: Sure.

20 EXAMINATION

21 BY MR. BROWN:

22 Q. Did the interview with the FBI occur
23 prior to your testimony at the Federal Grand Jury?

24 A. Yes.

1 Q. Do you recall when that interview with
2 the FBI occurred?

| | | |
|---|----|-----|
| 3 | A. | No. |
|---|----|-----|

| | |
|---|-----------------|
| 4 | Q. Same season? |
|---|-----------------|

5 A. I don't recall. Again, it was in 2015.
6 I have no recollection of the date.

7 Q. Was it shortly before the Grand Jury?

8 | A. I don't remember.

9 Q. Do you recall where the interview with
10 the FBI occurred?

11 A. I don't know for sure. I think it was
12 at 26th and Cal, but I can't be 100 percent on
13 that.

14 Q. Who was in attendance besides yourself
15 and the two FBI agents you mentioned for that
16 interview?

17 A. The two FBI agents, and then someone
18 came in at the end. I don't know who it was.
19 Another female.

20 Q. Was that female another FBI agent?

21 | A. I have no idea. No idea.

22 Q. Was there a Cook County State's
23 Attorney's representative there?

24 A. I don't know. I don't know.

1 Q. Do you know if a U.S. Attorney's Office
2 representative was there?

3 | A. I don't know.

4 Q. Did you prepare in any way for that
5 interview with the FBI?

| | | |
|---|----|-----|
| 6 | A. | No. |
|---|----|-----|

7 Q. Were you represented at the time?

8 | A. Yes.

9 Q. Who were you represented by?

10 | A. Colleen Daley.

11 Q. Okay. Had you seen the documents that I
12 guess were tendered to you by our office via IAD in
13 February? Had you seen those documents prior to
14 your interview that you had?

15 A. Prior to my interview with the FBI? The
16 only document that I had prior to the interviews or
17 anything was my IPRA statement that I was given the
18 CD of that evening. I had nothing else.

19 Q. Okay. Did you review the IPRA statement
20 in preparation for the interview with the FBI?

21 | A. I don't remember.

22 Q. Were you asked questions about the IPRA
23 statement during your interview with the FBI?

24 | A. I don't remember.

1 Q. Okay. Moving on to the Grand Jury
2 testimony, were you also represented by Colleen
3 Daley before giving that testimony?

| | |
|---|---------|
| 4 | A. Yes. |
|---|---------|

5 Q. Okay. Similar questions: Did you
6 prepare prior to giving your testimony at the Grand
7 Jury?

8 THE INTERVIEWEE: And can I ask you -- can I
9 take one more break.

10 MR. BROWN: Sure.

11 The time is now 10:51, and we are off the
12 record.

13 (Whereupon, a break was taken from
14 10:51 to 10:53 a.m.)

15 MR. BROWN: The time is now 10:53. We are
16 going to go back on the record.

17 THE INTERVIEWEE: I would like to clarify
18 something. I was asked by Sarah -- I don't know how
19 to pronounce your last name, sorry.

20 MS. ANSARI: That's fine.

21 THE INTERVIEWEE: If I remembered if my Grand
22 Jury testimony was prior to November of 2015, to
23 which I stated no; however, I can relate that I know
24 that my Grand Jury testimony was prior to Officer

1 Jason Van Dyke being charged with first-degree
2 murder. I do believe after thought that that might
3 have been in November.

4 So I do want to clarify that my Grand
5 Jury testimony was before he was charged with
6 murder. So it was before, I believe, whatever the
7 date -- I think it was in November for Officer Van
8 Dyke.

9 MS. ANSARI: Okay.

10 THE INTERVIEWEE: Okay.

11 BY MR. BROWN:

12 Q. And how were you notified to, I guess,
13 attend the Grand Jury?

14 A. I don't recall.

15 Q. Do you know if the notification was made
16 to you, or could it possibly have been made to your
17 attorney?

18 A. I don't remember.

19 Q. Is it possible that you might have been
20 notified during roll call on one particular
21 evening?

22 A. It's possible.

23 Q. Do you recall any of your co-workers
24 receiving notifications to attend the Grand Jury

| | |
|---|-------------------|
| 1 | during roll call? |
|---|-------------------|

2 A. When they give a notification in roll
3 call, they don't specify what it's for. They just
4 say you have a notification to go -- you know, to
5 report to 26th. They don't always specify what
6 it's for. So even if they did get a notification,
7 I may not have known what it was for.

8 Q. On that same line, did you speak with any
9 of your co-workers about receiving notifications to
10 give testimony before the Grand Jury?

11 | A. Yes.

12 Q. Do you recall who you might have spoken
13 with?

14 A. I know that Janet told me that the FBI
15 showed up at her house to present her with her
16 notification. So that's the only one I know of
17 other than -- I mean, I remember people saying they
18 were getting notified, but the specifics I have no
19 idea.

20 Q. Is it safe to say that you were not
21 notified via a visit from the FBI to your house?

22 A. I was not notified in that manner.

23 Q. I would think that would stick out.

24 MS. ANSARI: You would have remembered that?

1 THE INTERVIEWEE: Yeah. My kids would have.

2 BY MR. BROWN:

3 Q. Prior to giving your testimony before the
4 Grand Jury, do you recall signing any documents
5 before giving that testimony?

6 | A. I do not recall signing any documents.

7 Q. I know you mentioned that prior to your
8 FBI interview, you had a chance to review the IPRA
9 statement?

10 A. Well, I had my IPRA statement on CD, but
11 I don't recall, like, reviewing it, whether I did
12 or not.

13 Q. Okay. That was going to be my next
14 question.

15 Did you have an opportunity to review
16 your IPRA statement prior to the Grand Jury
17 testimony?

18 | A. I don't remember.

19 Q. Do you recall reviewing any other
20 documents prior to the Grand Jury testimony?

21 A. No, I don't.

22 Q. Do you recall being asked questions about
23 your IPRA statement during the Grand Jury
24 testimony?

1 | A. I don't recall.

2 Q. Would it be easier for you to just give
3 us a narrative as to what was talked about during
4 the Grand Jury testimony?

5 A. No, because I don't remember. If I had
6 the transcripts, I would be able to go through it,
7 but I don't. I don't remember.

8 MS. RUSSELL: Can we take a minute?

9 MR. BROWN: Sure. The time is now 10:57, and
10 we are going to go off the record.

11 (Whereupon, a break was taken from
12 10:57 to 10:58.)

13 MR. BROWN: Time is now 10:58, and we are back
14 on the record.

15 MS. RUSSELL: Do you mind reading back that
16 last question. Thank you.

17 (Whereupon, the record was read by
18 the reporter as requested.)

19 THE INTERVIEWEE: Okay. So I cannot provide a
20 narrative of what was asked of me during the Grand
21 Jury testimony, only that it related to the shooting
22 of Laquan McDonald and the evening, the events of
23 that evening.

24

1 BY MR. BROWN:

2 Q. Okay. Were you asked did you observe the
3 shooting?

4 A. I don't remember specifically what the
5 questions were. So I don't want to say that
6 because I don't remember specifically what the
7 questions were.

8 Q. Okay. Were you shown any videos during
9 your testimony?

10 A. I was shown the dashboard cam of
11 813 Robert. I do remember that.

12 Q. Was that your first time seeing the
13 video, that day?

14 A. Other than the night of the -- other
15 than that night, yes. The night of the shooting.

16 Q. What questions were you asked about the
17 video?

18 | A. I don't remember.

19 Q. Were you asked if the shooting of
20 McDonald was justified?

21 A. I don't remember. I don't remember any
22 of the questions revolving it -- I remember, or
23 that were involved. I do remember viewing the
24 video.

1 Q. Is it safe to say that whatever question
2 I ask, you are going to respond you are not going
3 to be able to remember?

4 A. Correct.

5 Q. That's fine. Okay.

6 A. Like said, if I had the Grand Jury
7 testimony, I would be happy to go through it, but I
8 don't recall without -- I have no independent
9 recollection of it.

10 MR. BROWN: Okay. That was the last of my
11 questions, Sarah.

12 FURTHER EXAMINATION

13 BY MS. ANSARI:

14 Q. I think the only thing that I am curious
15 about is after you reviewed the video in the Grand
16 Jury, did you modify any of the statements you had
17 made before, such as, like, your IPRA statement or
18 your statements to Detective March?

19 A. I don't recall.

20 Q. Okay. We are going to move on to the
21 night of the shooting, October 20, 2014.

22 A. Okay.

23 Q. You were present when Laquan McDonald was
24 shot that night?

1 scene, the cars that had come up after the
2 shooting, were the people that --

3 A. The traffic, yes.

4 Q. -- you directed? Okay.

5 MS. RUSSELL: I want to make sure I clarify
6 that. You know, immediately after the shooting is
7 when Officer Sebastian and Mondragon went to
8 traffic.

9 MS. ANSARI: Yes. Immediately after.

10 THE INTERVIEWEE: Correct.

11 BY MS. ANSARI:

12 Q. So that was what we were getting at
13 was --

| | |
|----|---------|
| 14 | A. Yes. |
|----|---------|

15 Q. -- what you stated.

| | |
|----|--|
| 16 | When did you stop directing the traffic? |
|----|--|

17 A. I don't remember. When more resources
18 showed up, but I couldn't give you a timeline.

19 Q. Would it be an hour, less than an hour,
20 less than 30 minutes? Could you give an
21 approximation?

22 A. I would say less than an hour, but other
23 than that, I can't specify.

24 Q. So within an hour after the shooting

| | |
|---|-----------|
| 1 | shooting? |
|---|-----------|

2 | A. I don't recall.

3 Q. Did you talk to any of the other officers
4 that were present at the shooting after
5 the -- directly after the shooting at the scene?

6 MS. RUSSELL: After they were done directing
7 traffic?

8 MS. ANSARI: Yeah.

9 THE INTERVIEWEE: Okay.

10 BY MS. ANSARI:

11 Q. And we're going to say, just to clarify,
12 until I say otherwise, we are talking about at the
13 scene, you know, at 41st and Pulaski, not after
14 that.

| | |
|----|----------|
| 15 | A. Okay. |
|----|----------|

16 Q. So we will stay kind of in that time
17 period.

18 A. Okay. I did have a brief conversation
19 with Officer Walsh.

20 Q. And what did you guys talk about?

21 A. He told me to notify another officer
22 that was either calling or trying to contact
23 Officer Van Dyke. Joe asked if I could get ahold
24 of him and tell him to leave it alone, knock it

1 | off.

2 Q. Who was the officer that Walsh want you
3 to notify?

4 | A. Geisbush. I don't know how to spell it.

5 Q. And what do you mean he told -- can you
6 explain that?

7 A. He just said -- Joe just told me very
8 basically, from what I can recall, "Call Geisbush
9 and tell him to quit bothering Jason, quit calling
10 him."

11 Again, not exact, not verbatim, but it
12 was basically like, hey, tell him to leave him
13 alone, you know.

14 Q. Was Geisbush trying to call Van Dyke?

15 A. I don't know if he was calling to -- I
16 don't know in what form, but he said just call him
17 and tell him to leave him, you know, to stop. So
18 I'm assuming -- I don't know. I don't want to
19 assume. Somehow he was trying to contact Van Dyke,
20 and he said tell him to leave him alone.

21 Q. Okay. And Walsh didn't give you any
22 information about what Geisbush was trying to --

23 A. No.

24 Q. -- tell Van Dyke?

| 1 | A. | No. |
|---|----|-----|
|---|----|-----|

2 Q. Okay. About how long after the shooting
3 was this interaction with Walsh?

4 | A. I have no idea.

5 Q. Was it after you started -- after you
6 were done directing traffic?

| | | |
|---|----|------|
| 7 | A. | Yes. |
|---|----|------|

8 Q. Did you speak with Officer Van Dyke after
9 the shooting at the scene?

| | | |
|----|----|-----|
| 10 | A. | No. |
|----|----|-----|

11 Q. Was that the only interaction you had
12 with Officer Walsh at the scene?

| | |
|----|---------|
| 13 | A. Yes. |
|----|---------|

14 Q. Did you speak with Officer Dora Fontaine
15 at the scene?

| | | |
|----|----|-----|
| 16 | A. | No. |
|----|----|-----|

17 Q. So back to Walsh, you stated that you
18 only had one interaction with him at the scene, and
19 that's when he asked you to get ahold of Officer
20 Geisbush and tell him to stop bothering Jason
21 Van Dyke?

22 | A. Yes.

| | |
|----|-------------|
| 23 | Q. Correct? |
|----|-------------|

24 Okay. What is your relationship with

1 Officer Walsh?

2 A. Co-worker.

3 Q. Co-workers?

4 A. Yes.

5 Q. How long have you worked together,
6 approximately?

7 A. I have no idea. I don't know what -- he
8 came to midnights a few years ago, but I don't know
9 how many years it's been.

10 Q. Do you ever socialize outside of work
11 with Officer Walsh?

12 A. No.

13 Q. What is your relationship with Officer
14 Van Dyke prior to October 20, 2014?

15 A. Co-worker.

16 Q. Co-worker?

17 Were you ever interviewed in the context
18 of other complaints made against him?

19 A. No.

20 Q. Okay. Have you ever worked him -- or how
21 long have you worked with Officer Van Dyke?

22 A. Again, I don't know how long he's been
23 a -- as long as he has been on the watch.

24 Q. How often do you see him at work?

1 A. No. He doesn't go to any of that stuff,
2 or not that I've seen. I don't go that often,
3 so --

4 Q. Okay. Your partner, Officer Mondragon,
5 how long have you two been partners?

6 A. Several years, but I can't remember
7 exactly when we became partners.

8 Q. Do you ever socialize with her outside of
9 work?

| | |
|----|------------------|
| 10 | A. Occasionally. |
|----|------------------|

11 Q. Can you estimate how often?

| | |
|----|------------------|
| 12 | A. Once a month. |
|----|------------------|

13 Q. Once a month?

14 A. And it's usually just to see her
15 daughter.

16 Q. She has a new daughter or --

17 A. She has a two-year-old. She'll be three
18 in a couple days.

19 Q. And she was your regular partner?

20 A. She's one of my regular partners. We
21 have a third partner.

22 Q. Who is the third partner?

23 | A. Right now, it's Tony Wilson.

| | | |
|----|----|-------|
| 24 | Q. | Okay. |
|----|----|-------|

1 | A. We're on a three-man rotation.

2 Q. So how does that work? How often do you
3 end up working with Officer Mondragon?

4 A. I do two three days and Officer
5 Mondragon and two days with Wilson. I'm sorry.

6 Q. No, that's right. That's exactly what I
7 was getting at. Okay.

8 What is your relationship with Officer
9 Dora Fontaine as of October 20, 2014?

| | |
|----|---------------|
| 10 | A. Co-worker. |
|----|---------------|

11 Q. Co-worker? Do you ever socialize with
12 Officer Fontaine?

13 A. Before that date, no.

14 Q. After that date?

15 A. After that date, one -- her family has a
16 lake house. It is in close proximity to my
17 daughter's college. So we stopped there for the
18 day with my younger daughter's step-daughters, the
19 day before I went to see my daughter.

20 Q. But prior to October 20, 2014, you did
21 not socialize with Officer Fontaine outside of
22 work?

23 A. No.

24 Q. How long have you known her?

1 | of work?

| | | |
|---|----|-----|
| 2 | A. | No. |
|---|----|-----|

3 Q. Did you two ever work together?

4 | A. I don't remember.

5 Q. What was your relationship with Officer
6 Joseph McElligott as of October 20, 2014?

| | |
|---|---------------|
| 7 | A. Co-worker. |
|---|---------------|

8 Q. Did you ever socialize with him outside
9 of work?

| | | |
|----|----|-----|
| 10 | A. | No. |
|----|----|-----|

11 Q. Did you two ever work together?

12 | A. We have worked together also.

| | |
|----|---------------------|
| 13 | Q. About how often? |
|----|---------------------|

14 A. Again, when my partners are on furlough
15 or his partners are on furlough. So I can't even
16 give you a number.

17 Q. What was your relationship with Officer
18 Arturo Becerras (phonetic) as of the October 20,
19 2014?

20 A. I don't even know him.

21 Q. So it's fair to say you do not socialize
22 with him outside of work?

23 A. I do not socialize with him outside of
24 work.

1 | Mondragon, which we will get to?

2 A. I don't remember talking to anybody
3 specifically. I know that the tech person that
4 comes in gets the information off the camera was
5 there.

| | | |
|---|----|-------|
| 6 | Q. | Okay. |
|---|----|-------|

7 A. I know -- I did speak with Sergeant
8 Franco.

| | | |
|---|----|-------|
| 9 | Q. | Okay. |
|---|----|-------|

10 A. And a detective.

11 Q. So we will take each of those kind of
12 separately.

13 But in terms of police officers, did you
14 speak with any other POs?

15 A. I don't remember if I did or not.

16 Q. Now, for your partner, for Officer
17 Mondragon, did you speak with her after the
18 shooting?

19 | A. Yes.

20 Q. What did you guys talk about -- what did
21 you two talk about?

22 A. Directing traffic, you know, that we
23 should stay close to the car knowing that our
24 camera was on, and that's about it.

1 Q. Did you discuss what you had seen?

2 A. We didn't discuss what we saw, no.

| | | |
|---|----|-------|
| 3 | Q. | Okay. |
|---|----|-------|

4 A. Just that, you know, like, "Oh, my gosh,
5 you know, just" --

6 Q. So when you say just, "Oh, my gosh," what
7 do you mean?

8 A. Well, just that, I mean, it's a big
9 incident.

10 Q. Have you ever witnessed an
11 officer-involved shooting before this?

| | | |
|----|----|-----|
| 12 | A. | No. |
|----|----|-----|

13 Q. Have you ever witnessed a shooting before
14 this?

| | | |
|----|----|-----|
| 15 | A. | No. |
|----|----|-----|

16 Q. Okay. So this is the first time anyone
17 has been shot --

18 A. In front of me.

19 Q. In front of you?

| | |
|----|---------|
| 20 | A. Yes. |
|----|---------|

21 Q. Okay. So it was a stressful, a stressful
22 or traumatic situation?

23 A. I wouldn't say stressful or traumatic,
24 but it's, you know, it's --

1 Q. Something that sticks in your memory?

2 A. Right.

3 Q. And so you were just talking about that
4 with Officer Mondragon, correct?

5 MS. RUSSELL: I think she said they were like,
6 "Oh, my gosh." Like, that's what they discussed.

7 BY THE INTERVIEWEE:

8 A. Just that's it, just, "Oh, my gosh."
9 You know?

10 BY MS. ANSARI:

11 Q. You said you spoke with Sergeant Franco
12 at the scene, correct?

13 A. Correct.

14 Q. About how long after the shooting did you
15 speak with Officer Franco?

16 A. I don't recall.

17 Q. Was it more than an hour after the
18 shooting, less than an hour, while you were
19 directing traffic?

20 A. I have no idea.

21 Q. Was it after you were done directing
22 traffic? Do you remember that?

23 A. I don't even remember that.

24 Q. What did you talk about with Officer

| | |
|---|---------|
| 1 | Franco? |
|---|---------|

2 MS. RUSSELL: Sergeant.

3 BY MS. ANSARI:

4 Q. Sergeant Franco?

5 A. Yeah, I don't remember specifically what
6 we talked about.

7 Q. But he didn't ask you to direct traffic,
8 correct?

| | |
|---|-------------|
| 9 | A. Correct. |
|---|-------------|

10 Q. Did he direct you to do any other
11 activities at the scene?

12 | A. No activities at the scene, no.

13 Q. Did he tell you to stay put so you could
14 be interviewed by a detective?

15 A. I don't remember specifically.

| | |
|----|----------|
| 16 | Q. Okay. |
|----|----------|

17 A. I mean, it was along those lines, but I
18 don't want to get -- you know, it was just, you
19 know, stay put, you know, but I don't remember
20 specifically what he said.

21 Q. Right. Right. And it's okay, too, if
22 you remember the general gifts of it. You can say
23 that.

| | |
|----|----------|
| 24 | A. Okay. |
|----|----------|

1 Q. That's fine. We are never going to
2 expect anyone to remember the exact words used in a
3 conversation that long ago.

4 A. Okay. Generally, "Are you guys okay?
5 Do you need anything?" You know, just those type
6 of supervisor -- I mean, just, you know, "Do you
7 need anything, are you okay," meaning in regards
8 to -- well, I don't know in regards to, just the
9 "are you okay?"

10 Q. Did you discuss what you saw of the
11 shooting with Officer -- with Sergeant Franco?

| | | |
|----|----|-----|
| 12 | A. | No. |
|----|----|-----|

13 Q. Now, you said a technician came to your
14 car, correct?

| | |
|----|-------------|
| 15 | A. Correct. |
|----|-------------|

16 Q. Do you remember that person's name?

17 | A. I don't.

18 Q. Does Officer Lance Becvar or Detective
19 Lance -- Lance Becvar sound familiar?

20 A. No. No. I mean I have no idea what his
21 name was. I mean, he did tell us that night, but I
22 don't recall what it was.

23 Q. What it was. Okay.

24 Do you remember if it was a sergeant?

1 | A. I don't.

2 Q. About how long after the shooting did the
3 technician come to your car?

4 | A. I don't remember.

5 Q. Was it after you were done directing
6 traffic?

7 A. It was after I was done directing
8 traffic, yes.

9 Q. So maybe less than two hours?

| | |
|----|----------------------------------|
| 10 | A. I have no idea at that point. |
|----|----------------------------------|

11 Q. Just as a general, how long were you at
12 the scene after the shooting?

13 A. I don't remember that.

14 Q. So the technician comes to your car. Was
15 Officer Mondragon there at the time also?

16 | A. I don't remember.

17 Q. And what did he say?

18 A. He just identified himself and that he
19 was the technician that would handle the camera,
20 the --

21 Q. Okay. And did he play the camera -- I
22 guess, how does that work, him coming to get the
23 video off of your car?

| | |
|----|--------------------|
| 24 | A. I have no idea. |
|----|--------------------|

| | | |
|---|----|-------|
| 1 | Q. | Okay. |
|---|----|-------|

2 | A. I don't --

3 Q. So you weren't there watching him and --

4 A. I was there and I was present, but I
5 don't know what he was doing.

6 Q. Did he play the video for you?

7 | A. I can't remember.

8 Q. Did he confirm that -- did you already
9 know before he had gotten there that you had
10 captured video of the event, that your car had
11 captured video of the event?

12 A. Well, I didn't really know for sure. I
13 mean, I knew the camera was on. I knew the camera
14 was supposed to be taping, but these cameras are
15 very -- you know, sometimes you think that it's on
16 and you think that it's working, and you go back
17 and it doesn't capture anything.

18 So we did what we were supposed to, to
19 log onto it, but the signal was on that it was
20 recording, but at that point, we didn't know if it
21 was stored, if it was really recording or not.

22 Q. Okay. And just to reiterate, did the
23 technician confirm with you that you had captured
24 video at that moment?

1 A. I spoke to a detective. He identified
2 himself that night. I don't remember whether it
3 was Detective March or not.

4 Q. After the fact, that night you weren't
5 sure if it was Detective March, correct?

6 A. Correct.

7 Q. Okay. After the fact --

8 A. I mean, he did identify himself, but I
9 don't remember.

10 Q. Okay. And after the fact, reviewing the
11 documents that we have provided you, are you
12 confident that Detective March was the detective
13 who you had spoken to?

14 A. Well, I'm not confident because I don't
15 know. It's documented that way.

16 Q. Okay.

17 A. I have no independent recollection that
18 it was Detective March, but I have no reason to
19 doubt it because of the documents that you have
20 provided to me.

21 Q. Okay. Great. So have you ever worked
22 with Detective March before this night?

23 A. Not that I recall.

24 Q. Did you know him before?

| 1 | A. | No. |
|---|----|-----|
|---|----|-----|

| | | |
|---|----|-------|
| 2 | Q. | Okay. |
|---|----|-------|

3 A. Personally, no. Do you pass people in
4 the hallway or -- hey, I pass a lot of people in
5 the hallway that I say hello to. I have no idea
6 what they are, especially the detectives, because
7 they have no identifiers on.

8 Q. Okay. Got it.

9 How long after the shooting did you speak
10 to Detective March?

11 A. I don't recall.

12 Q. But it was after you were done directing
13 traffic?

| | |
|----|-------------|
| 14 | A. Correct. |
|----|-------------|

15 Q. Had you and Officer Mondragon been
16 waiting in or around your car for a while before
17 you spoke to Detective March?

18 A. I have no idea.

19 Q. Where did that conversation occur with
20 him?

21 | A. On scene right around our car.

22 Q. Were you outside of your car or inside of
23 the car?

24 A. Outside of the car.

| | |
|---|------------------------|
| 1 | Q. Outside of the car? |
|---|------------------------|

2 Was anyone else present while you were
3 talking to Detective March?

4 | A. I don't remember.

5 Q. Was Officer Mondragon present when you
6 talked to Detective March?

7 | A. I don't remember.

8 Q. And you don't remember if you
9 talked -- did he talk to you two at the same time?

10 | A. I don't remember.

11 Q. Did you talk to anyone else besides
12 Sergeant Franco and Detective March? Did you talk
13 to anyone else with some kind of supervisory
14 authority at the scene?

15 | A. I don't remember.

16 Q. And Officer David McNaughton -- not
17 Officer; Lieutenant. Commander?

18 A. Commander? Now he's a chief. I don't
19 even remember what his status on that day was. I
20 saw him there, but I don't think I spoke to him.

21 Q. You didn't speak with him.

22 So just to reiterate from what we talked
23 about, you spoke with Officer Walsh at the scene?

24 | A. Yes.

1 Q. Your partner, Officer Janet Mondragon,
2 Sergeant Franco, the technician, and Detective
3 March?

| | |
|---|-------------|
| 4 | A. Correct. |
|---|-------------|

5 MS. RUSSELL: And I think she said she spoke
6 with Dora Fontaine.

7 THE INTERVIEWEE: No, I did not speak with
8 Dora. I didn't even know Dora Fontaine was on scene
9 until we were at the area. I was like, "Hey, what
10 are you doing here?"

11 MS. RUSSELL: I stand corrected.

12 MS. ANSARI: Got it. Okay.

13 BY MR. ANSARI:

14 Q. Was there anyone else that you spoke with
15 at the scene that you recall?

16 A. Let me put it this way. If I said
17 anything to anyone, it was, "Hey. Hey. Hey."
18 That was it.

19 Q. No substance conversations or anything
20 else?

21 A. No substance regarding the Laquan
22 McDonald shooting.

23 Q. Okay. But nothing would have prevented
24 you to talk about -- no one would have prevented

1 you to talk about the shooting with the other
2 police officers at the scene, correct?

3 A. Nothing would have prevented me from
4 talking?

5 Q. Scratch that question. It's a bad
6 question.

| | |
|---|----------------|
| 7 | A. Okay. Okay. |
|---|----------------|

8 Q. Just to reiterate, did you see Detective
9 March talk to Officer Mondragon at the scene?

10 A. I don't remember.

11 Q. So you know you spoke with him, but
12 you're not sure if your partner spoke with him?

| | |
|----|-------------|
| 13 | A. Correct. |
|----|-------------|

14 Q. At the scene of the shooting, did you
15 speak to any FOP representatives?

| | | |
|----|----|-----|
| 16 | A. | No. |
|----|----|-----|

17 Q. And you already stated this, but you
18 didn't see any video at the scene of the shooting?

| | | |
|----|----|-----|
| 19 | A. | No. |
|----|----|-----|

20 Q. And you can't see the video as it's
21 recording, right?

22 | A. Well, it's in --

23 Q. In your car, it has --

24 | A. Yeah, it's a live picture of what's

1 questions about the scene.

2 THE INTERVIEWEE: Okay.

3 MR. BROWN: I do.

4 FURTHER EXAMINATION

5 BY MR. BROWN:

6 Q. First question is in regards to the
7 directing traffic. You noted that you kind of took
8 it upon yourself to direct the traffic. Is that a
9 normal course of action for you and your partner?

10 A. If we deem it necessary, yes, i.e., car
11 accident, sometimes you've got to jump out and just
12 do it until you get other assist units that are
13 there to help you. Yes. Right. Well, and,
14 obviously, the reason we deemed that it was
15 important do is because we saw cars coming off the
16 crest of the hill that, you know, because it's a
17 hill, they can't see until they brake, and by that
18 time they're already on a downward -- that there is
19 activity at all. So does that make sense?

20 Q. No. I do understand that. I'm familiar
21 with the scene, so yeah, I know coming off --

22 A. Yes. You know how they're coming off
23 that bridge.

24 Q. Off 55 and right --

1 A. And let me tell you, if they're --

2 | Q. Yeah. Give them some momentum?

3 A. Yeah. If they're coming from the
4 southbound side, it's even faster.

5 Q. Do you recall ever being requested over
6 the radio to officially provide traffic support?

| | | |
|---|----|-----|
| 7 | A. | No. |
|---|----|-----|

8 Q. Do you recall hearing over the radio if
9 anyone else was asked to provide traffic support?

10 | A. I don't recall.

11 Q. Would a request to provide traffic
12 support, would that typically come on the radio, or
13 would it typically be like a verbal request from a
14 sergeant or someone else?

15 A. It could be either way. It could be
16 either way.

17 Q. It's no proportion goes one way or the
18 other?

19 A. No. Not that I know of anyway. And I
20 couldn't come up with any statistics to say one way
21 or the other.

22 Q. Sure. You mentioned Geisbush. I wanted
23 to ask you, who is Geisbush?

24 | A. James Geisbush. He used to work

1 midnights. He's on days now, I believe. The last
2 I heard he was working days in 8. I don't really
3 know him other than at work.

| | |
|---|------------------------|
| 4 | Q. Is he a supervisor? |
|---|------------------------|

5 A. No. He's an officer.

6 Q. He's a police officer?

| | |
|---|-------------|
| 7 | A. Correct. |
|---|-------------|

8 Q. You mentioned he used to work your shift
9 in 8?

| | |
|----|-------------|
| 10 | A. Correct. |
|----|-------------|

11 Q. How long did he work -- I guess is it
12 correct to call it midnights?

| | |
|----|--------------------------------|
| 13 | A. Midnights, first watch. |
|----|--------------------------------|

| | |
|----|-----------------|
| 14 | Q. First watch. |
|----|-----------------|

15 A. Either way. I have no idea how long he
16 worked. I'm not sure how long he was on midnights.

17 Q. Okay. Were you ever his partner during
18 his tenure on first watch?

19 A. Not that I can recall.

20 Q. Had he worked with -- I'm sorry. I'll
21 clean it up.

22 Do you know if he was a partner of anyone
23 else we have talked about, the main proponents of
24 that night, be it Van Dyke, Walsh, Mondragon,

1 MR. BROWN: I'm sorry.

2 BY MR. BROWN:

3 Q. At the scene.

4 | A. At the scene? No, not that I recall.

5 Q. Okay. You explained to us that, I
6 believe you said, Tony Wilson was the other
7 rotational partner?

| | |
|---|-------------|
| 8 | A. Correct. |
|---|-------------|

9 Q. Do you have any recollection of him being
10 involved at the scene or even working that evening?

11 A. No. Well, if he was working that night,
12 it wasn't on midnights at 8. I mean, obviously, we
13 have overtime initiatives: CTA, CHA, VRI. Whether
14 he was working one of those, I don't know, but he
15 was not working midnight, first watch, in the 8th
16 district that evening.

| | |
|----|------------|
| 17 | Q. Well -- |
|----|------------|

18 A. To clarify, I don't remember being
19 ordered -- I thought you said paperwork, but I
20 don't recall being ordered to do anything. At some
21 point, we were directed by someone, I don't
22 remember who, supervisor, to go to the area, area
23 central.

24 Q. And that's --

1 | A. And we'll --

2 Q. Once I finish with my kind of follow-up,
3 we're going to transition to that.

4 A. That's fine. Okay. I just wanted to
5 clarify that.

6 Q. No, I appreciate that.

| | |
|---|----------|
| 7 | A. Okay. |
|---|----------|

8 Q. Thank you. I know you mentioned you
9 didn't know who the tech person was that came and
10 spoke to you on the scene. I want to just ask you,
11 could you describe that person?

| | | |
|----|----|-----|
| 12 | A. | No. |
|----|----|-----|

13 | Q. Was that person very tall?

14 A. I don't remember.

| | | |
|----|----|-------|
| 15 | Q. | Okay. |
|----|----|-------|

16 | A. Everybody's taller than me. I'm 5'2".

17 Q. I only ask you that because the person we
18 might suspect was there, he's a very large man,
19 maybe 6'6", 6'7". So I thought like, oh, maybe
20 that would stick out as the guy.

21 A. I don't remember. I mean, I remember
22 that it was a male, but I don't -- and he did, like
23 I previously stated, identify himself that night,
24 who he was and what he was there to do; I just

1 | don't recall who he said he was.

2 Q. Was he a Caucasian male?

3 | A. I can't say for sure.

4 Q. Okay. I'll stop it there.

5 You spoke a little bit about Sergeant
6 Franco. I wanted to ask you a couple questions
7 about him. Is he your, I guess, supervisor
8 sergeant?

9 A. He is a sergeant in the 8th district --
10 well, he was. He doesn't work there anymore. He
11 was a sergeant that night. Whether he was my
12 direct supervisor that night, I'm not sure.

13 Occasionally, he primarily worked
14 810 Robert, which would be the 10th sector
15 immediate supervisor; however, when staffing is
16 short, he would be put on the late supervisor.

17 So he is a sergeant and a supervisor on
18 midnights in 8. Whether he was my direct sergeant
19 that night, I'm unaware. He could have been 20,
20 which would have been 22nd, you know, so he is a
21 sergeant, he is a supervisor on midnights. Does
22 that make sense?

23 Q. It does.

24 | A. I don't know how much you know about how

```
1 | it works, but --
```

2 Q. Not a lot. We might have questions.

| | |
|---|----------|
| 3 | A. Okay. |
|---|----------|

4 MS. RUSSELL: More than he ever thought he
5 would know.

6 THE INTERVIEWEE: Yeah. Right. He's learning.

7 BY MR. BROWN:

8 Q. Is it safe to say that Sergeant Franco
9 will be your direct supervisor depending on what
10 the circumstances for whatever particular night?

| | |
|----|---------|
| 11 | A. Yes. |
|----|---------|

| | |
|----|----------|
| 12 | Q. Okay. |
|----|----------|

13 A. I mean, depending on what he's assigned
14 that night.

15 Q. Sure. And you don't recall if Sergeant
16 Franco was your direct supervisor on the night of
17 October 20, 2014?

18 | A. I do not.

19 Q. I think Sarah asked you a question about
20 speaking with Officer Mondragon about the incident.
21 And I know you replied that you didn't speak with
22 her. I was wondering, was that a conscious
23 decision to not speak about the incident? And when
24 I say "the incident," I mean the shooting of Laquan

1 McDonald. Did you think to yourself like, "Oh,
2 this is a big incident, I don't want to talk about
3 it," or can you describe to me a little bit what
4 your mindset was?

5 A. No. I don't remember specifically
6 thinking I'm not going to talk about this. We just
7 didn't talk about it.

8 Q. It was just like a natural organic thing,
9 you guys just didn't talk about the shooting?

10 A. I don't know if it's organic. We just
11 didn't.

12 Q. I'm sorry. And what I meant by organic,
13 like --

14 A. Or I didn't, you know, speak to her
15 about it.

16 Q. What I meant by organic, I just meant
17 that you guys -- it wasn't, like, some part of an
18 arrangement ahead of time like, hey, if anything
19 big ever happens, we're not going to talk about it?

20 A. No.

21 Q. Okay. It just happened just naturally?

22 A. Yeah. Right.

23 Q. Got you. Just for my edification, I keep
24 saying "Mon-dragon." Is it "Mon-dragon" or

1 | "Mantra-gon"?

2 A. Well, it depends. If you want to
3 pronounce it Janet or "Yanet" because she's
4 Hispanic, so if you want to say "Yanet Mantra-gon,"
5 then you say it that way, or you say "Janet
6 Mondragon." She'll respond to either.

7 | Q. What does she prefer?

8 A. She has no preference, really. I hear
9 her say both.

10 Q. What do you call her?

| | |
|----|-----------|
| 11 | A. Janet. |
|----|-----------|

| | | |
|----|----|-------|
| 12 | Q. | Okay. |
|----|----|-------|

| | |
|----|-----------------|
| 13 | A. Janet. Yeah. |
|----|-----------------|

14 Q. Thank you. You mentioned that you spoke
15 with March outside of your vehicle while on the
16 scene.

17 | A. Yes.

18 Q. Do you recall how long that conversation
19 took?

20 A. No.

21 Q. Was it, you know, like an hour, like a
22 long conversation?

23 A. No. It was quick, but I couldn't -- I
24 don't remember how long exactly.

1 Q. Do you recall if Detective March or who
2 we believe to be Detective March had any notes when
3 he was speaking with you?

4 | A. I don't remember.

5 Q. And I guess I should say do you recall
6 him having like a note pad and taking notes based
7 on what you were saying to him?

8 A. He had a note pad, and he was writing,
9 but I don't know what the context of his writing
10 was, if that makes sense.

11 Q. It does.

12 | A. I didn't look at what he was writing.

13 Q. Sure. I understand that.

| | |
|----|----------|
| 14 | A. Okay. |
|----|----------|

15 Q. But it sounds like he was writing notes
16 in response to whatever you were telling him?

17 A. I could guess that that's what he was
18 doing, but I did not see them, so I don't know for
19 sure.

20 Q. Can you detail us that conversation, like
21 what he asked, what did you respond to? Like, what
22 happened during that conversation with Detective
23 March?

24 A. He asked me regarding the events of the

1 shooting. However, I don't remember the questions
2 that he asked me specifically.

3 Q. Did he ask you if you saw the shooting?

4 A. Yeah.

5 Q. And how did you respond?

6 A. He asked me if I saw the shooting, and I
7 responded yes.

8 Q. Okay. And what did he ask next?

9 A. I don't remember. I don't remember what
10 questions he asked after that. I know it was
11 regarding the shooting. I don't remember the
12 specific questions.

13 Q. Did he show you any video while having
14 that conversation outside your car?

15 A. No.

16 Q. No. And I know it would be hard to
17 recall specific questions at this point. Would it
18 be easier for you to just give us a narrative about
19 what you and March talked about outside of the car?

20 A. No, because I don't remember what the
21 narrative was.

22 Q. You just know he was asking you about --

23 MS. RUSSELL: Let's take a quick break.

24 MR. BROWN: Sure. The time is now 11:59, and

1 | we are going to go off the record.

2 (Whereupon, a break was taken from
3 11:59 to 12:01 p.m.)

4 MR. BROWN: All right. The time is 12:01, and
5 we are back on the record.

6 MS. RUSSELL: Would you mind just reading the
7 question back?

8 (Whereupon, the record was read by
9 the reporter as requested.)

10 BY THE INTERVIEWEE:

11 A. Okay. I cannot provide a narrative of
12 what our conversation included because I don't
13 remember specific questions or events. It was a
14 general conversation regarding my witnessing the
15 shooting of Laquan McDonald. Okay?

16 BY MR. BROWN:

17 Q. Okay. That's fair. And last thing on
18 that conversation, were you already outside the
19 car, or did March ask you to, I guess, exit your
20 vehicle?

21 | A. I don't remember.

22 MR. BROWN: That's all my follow-up questions.

23

24

1 | going on?

2 A. Yeah, I assume. I have no idea what the
3 context -- I have no idea how or anything involved,
4 so --

5 Q. Okay. Understood.

6 Regarding Sergeant Franco, do you know
7 what he was doing at the scene at the time?

| | | |
|---|----|-----|
| 8 | A. | No. |
|---|----|-----|

9 Q. Was he talking to other officers at the
10 scene?

11 A. I wasn't paying attention, so I don't
12 know.

13 Q. Was he collecting evidence?

14 A. I didn't see him collecting any
15 evidence. There were several supervisors on scene.
16 There were a lot of police officers. I mean,
17 everybody was walking around, so I didn't
18 specifically see him talking to anyone in
19 particular.

20 Q. Okay. Got it.

21 Do you recall what other supervisors were
22 on the scene?

23 A. No, I don't specifically.

24 Q. But you did say earlier that you saw

1 Officer David -- or Commander David McNaughton on
2 the scene?

| | |
|---|---------|
| 3 | A. Yes. |
|---|---------|

4 Q. Your conversation at the scene with
5 Janet, with Officer Mondragon, you said it
6 wasn't -- you guys didn't discuss what you saw, but
7 you did offer reactions to the event, like, "Oh, my
8 gosh, this is what happened"? Did you --

9 | A. Just --

| | |
|----|-------------|
| 10 | Q. Correct? |
|----|-------------|

11 A. Yeah, just more like that. "Wow.
12 Okay." You know, just --

13 Q. But you didn't discuss anything
14 substantive about what you had seen?

| | | |
|----|----|-----|
| 15 | A. | No. |
|----|----|-----|

| | |
|----|----------|
| 16 | Q. Okay. |
|----|----------|

| | | |
|----|----|-----|
| 17 | A. | No. |
|----|----|-----|

18 Q. When you talked to Detective March at the
19 scene, did you only talk to him once?

20 A. I recall only speaking to him once,
21 I think. Yeah.

22 Q. At the scene?

| | |
|----|----------|
| 23 | A. Yeah. |
|----|----------|

24 Q. Did you see him talk to any other police

1 | officers?

2 A. I did not. I mean, he may have and I
3 just didn't see it.

4 Q. So you didn't talk to any other
5 detectives at the scene?

6 | A. Not that I can recall.

7 | Q. So now I am going to move on to the area.

| | |
|---|----------|
| 8 | A. Okay. |
|---|----------|

9 Q. So what happened after you -- when you
10 left the scene, about how long after the shooting
11 did you -- about how long after the shooting did
12 you leave the scene?

13 | A. I don't remember.

| | |
|----|-----------|
| 14 | Q. Was -- |
|----|-----------|

15 A. At some point, we were information to go
16 to the area so we could give our IPRA statements.

17 Q. Okay. Do you remember if it was after
18 midnight?

19 | A. I don't.

20 Q. Who told you to go to the area?

21 A. I don't remember specifically who said,
22 "Okay. Go to the area."

23 Q. Okay. And do you know if it was a
24 supervisor?

1 A. I don't know for sure. I assume that it
2 was, but I can't be for certain.

3 Q. And when they told you to go to the area,
4 whoever it was said it was because you needed to
5 give an IPRA statement?

6 A. Correct.

7 Q. And whoever this person was said it to
8 you and your partner, Officer Mondragon, correct?

9 A. Yes.

10 Q. Do you know if any other officers were
11 told -- at the time, did you know -- did you see
12 any other officers being told to go to the scene?

13 A. I didn't see anybody else being told.
14 I only saw when I got to the area.

15 Q. So you get to the area. What happens
16 then?

17 A. We sit around and wait.

18 Q. Okay. About how long -- well, so about
19 how long did you wait before your interview?

20 A. I don't remember. Enough time to have a
21 couple pieces of pizza and something to drink.

22 MS. RUSSELL: Can we go off the record for a
23 second?

24 MR. BROWN: Sure. The time is 12:07, and we

1 are off the record.

2 (Whereupon, a break was taken from
3 12:07 to 12:09 p.m.)

4 MR. BROWN: The sometime now 12:09, and we'll
5 go back on the record.

6 BY MS. ANSARI:

7 Q. Okay. So you get to the area. Who else
8 was at the area when you got there?

9 A. It was me, Janet, Dora, Rick,
10 McElligott, Gaffney are the ones I specifically
11 remember seeing. I think Joe -- oh, yeah, Joe
12 Walsh was there.

13 Q. Okay.

14 A. Jason was there, but -- I heard Jason
15 was there, but I never saw him. So --

16 Q. Okay. Did you see Officer Becerra
17 (phonetic)?

18 A. I don't remember.

19 Q. Or Officer Velez?

20 A. I don't remember. They may have been
21 there, too, but I don't know them, so I don't know.

22 Q. Okay. So Officer Fontaine, Viramontes,
23 Mondragon, McElligott, Gaffney, and Walsh?

24 A. Yeah.

1 Q. Were you with them all in the same room
2 while you were waiting?

3 A. Well, we were -- they have a couple of
4 side rooms, so we were in and out, because the
5 pizza is in one area and then there's just chairs
6 in the other area, so everybody was just kind of
7 milling around.

8 Q. Okay. But you were generally in the same
9 vicinity?

| | |
|----|----------------------------|
| 10 | A. In the same area, yeah. |
|----|----------------------------|

11 Q. But you did not see Officer Van Dyke at
12 all while you were there?

13 A. I don't remember seeing him at all when
14 I was there.

15 Q. But you heard he was there?

16 | A. That's what I heard, yeah.

17 | Q. Who did you hear that from?

18 | A. I don't even remember.

19 Q. What did you guys all talk about while
20 you were waiting for your interviews?

21 A. Nothing. I mean, a lot of people were
22 sitting around talking about the pizza. Just --

23 Q. Did you have any conversations about the
24 shooting?

| | | |
|---|----|-----|
| 1 | A. | No. |
|---|----|-----|

2 Q. We have asked you this before, but was
3 that kind of a conscious decision not to talk about
4 it?

5 A. No. I mean, I don't consider it a
6 conscious decision. We just don't talk about it.

7 Q. Why do you think that is?

8 | A. I have no idea.

9 Q. Did you talk to any detectives at the
10 area?

| | | |
|----|----|-----|
| 11 | A. | No. |
|----|----|-----|

12 Q. You didn't talk to Detective March at the
13 area?

| | | |
|----|----|-----|
| 14 | A. | No. |
|----|----|-----|

15 Q. Did you view any video at the area?

16 A. I saw the Dunkin' Donuts video at the
17 area.

18 Q. The Dunkin' Donuts video?

| | |
|----|---------|
| 19 | A. Yes. |
|----|---------|

20 | Q. Did you view any other video at the area?

21 A. I don't think so.

22 Q. Did you view the video from your car,
23 813 Robert?

24 A. I don't think so.

| | | |
|---|----|-------|
| 1 | Q. | Okay. |
|---|----|-------|

2 MS. RUSSELL: An unknown detective is who
3 showed her the Dunkin' Donuts video. She doesn't
4 know if it was March or who.

5 THE INTERVIEWEE: I don't know.

6 BY MS. ANSARI:

7 Q. So I was actually going to ask you that.

| | |
|---|--|
| 8 | Who showed you the Dunkin' Donuts video? |
|---|--|

9 | A. I don't recall.

10 Q. But it was a detective?

11 | A. I --

12 MS. RUSSELL: Oh. I'm sorry then.

13 MS. ANSARI: That's okay.

14 MS. RUSSELL: Let me have her answer.

15 THE INTERVIEWEE: I don't know for sure. It
16 may have been a detective. It may have been a
17 sergeant. I don't know. I don't remember who
18 showed us it to us.

19 BY MS. ANSARI:

20 Q. Was it the same tech person who took the
21 video?

22 A. It may have been. I'm not sure. That's
23 why I don't want to --

24 Q. Why did you watch the Dunkin' Donuts

| | |
|---|--------|
| 1 | video? |
|---|--------|

2 A. Just because they're like, "Oh, there's
3 the Dunkin' Donuts video."

4 Q. Did anyone else watch it?

5 | A. I don't remember.

6 Q. Okay. You don't remember if your partner
7 Janet Mondragon watched it?

8 | A. No, I don't remember.

9 Q. So before you gave your IPRA statement,
10 who else did you speak with at the area?

11 A. Regarding the shooting or just, I
12 mean --

13 Q. Well, regarding anything?

| | |
|----|----------|
| 14 | A. Okay. |
|----|----------|

15 Q. That you can recall.

16 A. Okay. I mean, other than general
17 conversation, like, "Is this pizza good? Can you
18 hand me that pop?"

| | |
|----|-----------|
| 19 | Q. Right. |
|----|-----------|

20 A. "What time do you think we're going to
21 get out of here?" Stuff like that, I -- that just
22 general conversation is all I had prior to talking
23 to the IPRA investigator.

24 Q. So you had no conversations at the area

1 before talking to IPRA regarding the shooting?

| | |
|---|-------------|
| 2 | A. Correct. |
|---|-------------|

3 Q. I'm going to reiterate this question, but
4 for the Dunkin' Donuts video, how did that even
5 come about watching it, or how did you come about
6 watching it?

7 A. Well, I wasn't summoned to come watch
8 it. It was just on a computer screen, and I was
9 like, "Huh," you know, type of thing.

10 Q. So it was on someone else's computer?

11 A. I'm not even sure that I saw the whole
12 Dunkin' Donuts video.

| | |
|----|-------------------------------------|
| 13 | Q. Was it on a laptop or a desktop? |
|----|-------------------------------------|

14 A. I'm not sure.

15 Q. Was it in the -- my understanding --
16 where were you when you went to area central? What
17 was the --

18 A. On the second floor where all the
19 detectives are at.

| | | |
|----|----|-------|
| 20 | Q. | Okay. |
|----|----|-------|

| | |
|----|----------|
| 21 | A. Yeah. |
|----|----------|

22 Q. So there's a bunch of detectives' desks
23 in the middle, correct?

| | |
|----|-------------|
| 24 | A. Correct. |
|----|-------------|

1 Q. Was it at one of those desks that the
2 video -- someone was playing the video?

3 A. Yes.

4 Q. And you just happened to be in the area
5 when the video was playing?

6 A. Yes.

7 Q. And you watched it?

8 A. Yes.

9 Q. Did you talk to any FOP representatives
10 at the area?

11 A. Yeah. There was an FOP rep there.

12 Q. Do you remember that person's name?

13 A. Kris Kato.

14 Q. Kris Kato? About how long had you been
15 waiting at the area -- did you talk to Kris Kato
16 before you did the IPRA interview?

17 A. Yes, while we were standing around
18 having pizza.

19 Q. Do you remember about how long you had
20 been at the area before Kris Kato arrived?

21 A. No.

22 Q. Do you remember if Kris Kato was at the
23 scene before the shooting?

24 A. No, I don't remember.

1 Q. And you didn't talk to -- is this a man
2 or a woman, Kris Kato?

3 | A. It's a man.

4 Q. It's a man. Okay. Did you talk to
5 him -- I'm sorry. Did you see him talk to any
6 officers at the scene of the shooting?

| | | |
|---|----|-----|
| 7 | A. | No. |
|---|----|-----|

8 Q. And you don't even know if he was there?

9 | A. I don't even know if he was there.

10 Q. Okay. So Kris, when he first arrived at
11 the area, when you first saw him at the area, what
12 was he doing?

13 | A. Standing by the pizzas.

14 Q. Okay. Did he talk to you individually or
15 to all of the -- to Fontaine, Viramontes,
16 Mondragon, McElligott, Gaffney, and Walsh all
17 together?

18 A. Well, like I said, we were in and out of
19 the rooms, and I think it was just -- I don't
20 remember who was there when he -- you know, just
21 when he spoke when I heard it, when we were
22 talking, I don't remember who was in the room, but
23 it was as a group. It was not me as an individual.

24 Q. So he didn't talk to you by yourself?

| | | |
|---|----|-----|
| 1 | A. | No. |
|---|----|-----|

| | |
|---|---------------------|
| 2 | Q. What did he say? |
|---|---------------------|

3 A. It was just, you know, "Everybody hang
4 in there. You'll get through your IPRA statements.
5 You'll be going home soon. Have some pizza. Is
6 there anything else I can get you? Is there
7 anything else you need?"

8 Q. Okay. Oh, did he actually bring the
9 pizza in the room?

10 A. Well, I don't know if he brought it or
11 if he had somebody bring it, but he is the FOP rep,
12 so he was, I'm assuming, the one who initiated it.
13 I could be wrong, but it might have been someone
14 else.

| | |
|----|----------|
| 15 | Q. Okay. |
|----|----------|

16 A. He was the one that was, like, you know,
17 presenting it and --

18 Q. "Here's our" --

19 | A. Yes.

| | |
|----|---------------------------------------|
| 20 | Q. "Here's your food. Here's dinner." |
|----|---------------------------------------|

21 Did he talk to you guys, to you
22 specifically, about any of the substance of what
23 you saw of the shooting?

| | | |
|----|----|-----|
| 24 | A. | No. |
|----|----|-----|

1 Q. Did you hear him talk to any of the
2 officers about the substance of the shooting?

| | | |
|---|----|-----|
| 3 | A. | No. |
|---|----|-----|

4 Q. Or what they saw?

| | | |
|---|----|-----|
| 5 | A. | No. |
|---|----|-----|

6 Q. Okay. When you went to the area, did you
7 and Mondragon take your vehicle? Did you drive
8 yourselves?

| | |
|---|---------|
| 9 | A. Yes. |
|---|---------|

10 Q. It was just the two of you in the car,
11 correct?

| | |
|----|---------|
| 12 | A. Yes. |
|----|---------|

13 Q. Do you remember, how long were you
14 waiting at the area before you spoke with IPRA?

15 A. Seemed like forever, but it wasn't.
16 I don't know. I don't know specifically how long
17 it was.

18 Q. What time did you get home that morning?

19 | A. I don't remember.

20 Q. Was it in the morning?

21 A. Oh, it was in the morning, yeah.

22 Q. Was the sun up? Do you remember that?

23 A. I don't remember. It was in the
24 morning.

1 Q. Did you have to take the kids to
2 school --

3 A. I mean, I can look at my -- I can refer
4 to the conclusion time somewhere in my IPRA
5 statement.

6 Q. That's fine if you don't remember.

7 A. I don't remember specific -- I have no
8 independent recollection of it.

9 Q. After your IPRA statement, did you go
10 home?

11 A. Yes. After we went -- yeah, of course
12 we had to go back to the district, get our personal
13 cars, and then go home, but yes. Yes.

14 Q. Okay. So we are going to get into the
15 IPRA statement later, so we won't talk about the
16 substance there.

| | |
|----|----------|
| 17 | A. Okay. |
|----|----------|

18 Q. Okay. So you wait around. You speak
19 with IPRA. After your IPRA statement, then what
20 happened?

21 A. Well, we didn't -- they gave me a copy
22 of the CD, and we left. But I can't remember
23 whether Janet went before me or after me. I can't
24 remember.

1 Q. And you got your statement that night on
2 a CD?

3 A. I'm pretty sure he gave it to me that
4 night. I'm not 100 percent sure.

| | | |
|---|----|-------|
| 5 | Q. | Yeah. |
|---|----|-------|

6 | A. But I'm pretty sure I got it that night.

7 MS. RUSSELL: They usually burn it right away.

8 MS. ANSARI: Right away? Okay.

9 BY MS. ANSARI:

10 Q. So after you were either done with your
11 IPRA interview or Mondragon was done with hers, you
12 both left?

| | |
|----|---------|
| 13 | A. Yes. |
|----|---------|

14 Q. Correct? And you went back to district 8
15 or the station?

| | | |
|----|----|---------|
| 16 | A. | Uh-huh. |
|----|----|---------|

17 Q. Where's the station?

| | | |
|----|----|-----------------|
| 18 | A. | 63rd and Homan. |
|----|----|-----------------|

19 Q. And for the record --

20 A. It's 63rd and St. Louis.

21 Q. Sorry. For the record, where is area
22 central?

23 | A. 51st and Wentworth.

24 Q. Okay. So you drove back to district 8,

1 | and then what did you do?

2 | A. We just turn in our stuff and go home.

3 MS. ANSARI: So before we get into the
4 statements, do you have any follow-up?

5 FURTHER EXAMINATION

6 BY MR. BROWN:

7 Q. I have a brief follow-up.

| | |
|---|----------|
| 8 | A. Sure. |
|---|----------|

9 Q. Do you recall noting any documentation of
10 when you arrived at the area?

11 A. Did I make any documentation?

12 Q. Yeah. I don't know if there was any kind
13 of like sign-in sheets that you have to fill out?

| | | |
|----|----|-----|
| 14 | A. | No. |
|----|----|-----|

15 Q. Like, the time you got there?

| | | |
|----|----|-----|
| 16 | A. | No. |
|----|----|-----|

17 Q. Same thought: Was there any document you
18 had to sign when you left there?

19 | A. No.

20 Q. While you were sitting, or if you were
21 sitting, but while you were with the other officers
22 in the big room, I know you didn't have any
23 substantive conversation about the McDonald
24 shooting, but I was wondering, did you overhear the

1 | asked of me.

2 Q. But having some time, I guess, to think
3 about it during the car ride over to the area and
4 then while you were waiting around for the pizza
5 and stuff, did anything come into your mind that
6 you would have liked to have added to the record --
7 or not to the record --

| | | |
|---|----|-----|
| 8 | A. | No. |
|---|----|-----|

9 Q. -- but to have added to what the
10 detectives were noting down?

| | | |
|----|----|-----|
| 11 | A. | No. |
|----|----|-----|

12 MR. BROWN: That's the end of my questions.

13 THE INTERVIEWEE: Okay.

| | |
|----|---------------------|
| 14 | FURTHER EXAMINATION |
|----|---------------------|

15 BY MS. ANSARI:

16 Q. One last question.

| | |
|----|----------|
| 17 | A. Okay. |
|----|----------|

18 Q. Did you see any witnesses being
19 interviewed at area central, any civilian
20 witnesses?

21 A. I don't recall seeing any.

22 Q. Did you see detectives interviewing any
23 civilian witnesses on the scene?

24 | A. I didn't see any.

| | | |
|---|----|-------|
| 1 | Q. | Okay. |
|---|----|-------|

2 | A. Not that I can recall.

| | |
|---|----------|
| 3 | Q. Okay. |
|---|----------|

4 A. There were so many officers on scene,
5 and like I said, it just --

| | | |
|---|----|-------|
| 6 | Q. | Okay. |
|---|----|-------|

7 A. I didn't really pay attention to what
8 was going around me. I just --

9 Q. Okay. All right. So, Officer Sebastian,
10 we are going to provide you with Exhibits 6 and 7.
11 We have extra copies, so we can give you each one.

12 MS. ANSARI: Do you want to take a break now?

13 This is a good stop if --

14 THE INTERVIEWEE: I'm fine.

15 MS. ANSARI: Okay.

16 (Whereupon, Exhibit 6 and Exhibit 7
17 were marked for identification.)

18 BY MS. ANSARI:

19 Q. So Exhibit 6 is the typed case
20 supplementary report drafted by Detective March of
21 your statements to him, and the handwritten
22 document Exhibit 7 is the general progress report,
23 and those are the handwritten notes of Detective
24 March of his conversation interview with you. If

| | |
|---|----------------|
| 1 | A. Sure. Okay. |
|---|----------------|

2 Q. -- is for each statement I am going to
3 ask you if you made the statement and whether or
4 not it's true.

| | |
|---|----------|
| 5 | A. Okay. |
|---|----------|

6 Q. So it's two different questions.

7 | A. So a statement, meaning verbatim, or --

8 Q. Well, the gist of that statement, I
9 think, is -- I think that's fine to say.

| | |
|----|--|
| 10 | A. The content of the statement. Okay. |
|----|--|

11 Q. Yeah. Did you make a statement that is
12 that, that has that content --

| | |
|----|----------|
| 13 | A. Okay. |
|----|----------|

14 Q. -- I think is fine. So I'll repeat the
15 question again.

| | |
|----|----------|
| 16 | A. Okay. |
|----|----------|

17 Q. Or repeat the statement again.

| | |
|----|----------|
| 18 | A. Okay. |
|----|----------|

19 Q. The first sentence of the second
20 paragraph of your statement states, "The two
21 officers responded to the request for assistance
22 made by beat 815 Robert, R, regarding a subject
23 with a knife."

24 Did you make this statement to Detective

1 March on the night of October 20, 2014?

2 | A. Yes, I gave him that information.

3 Q. Okay. Where were you when you made this
4 statement?

5 | A. When he was interviewing us on scene.

| | | |
|---|----|-------|
| 6 | Q. | Okay. |
|---|----|-------|

7 | A. Or interviewing me, I mean, on scene.

8 Q. For actually the whole statement, this
9 was all done while you were on scene outside of
10 your car, correct?

| | |
|----|-------------|
| 11 | A. Correct. |
|----|-------------|

12 Q. And no one else was present when you made
13 that statement?

14 A. Not that I can recall.

15 Q. And just to confirm, Officer Mondragon --
16 you don't recall whether Officer Mondragon was
17 there when you made the statement?

| | |
|----|-------------|
| 18 | A. Correct. |
|----|-------------|

19 Q. Now that line, is that statement
20 accurate, the first statement in the second
21 paragraph?

| | |
|----|---------|
| 22 | A. Yes. |
|----|---------|

23 Q. Okay. "Officer Sebastian thought the
24 original call for assistance was at 40th Street and

1 A. Yes.

2 Q. "Mondragon turned westbound onto 40th
3 Street behind 845R."

4 Did you make that statement to Detective
5 March?

6 A. Yes.

7 Q. Is that statement accurate?

8 A. Yes.

9 Q. "Officer Sebastian observed a black male
10 subject now known as Laquan McDonald running
11 southeast bound through the parking lot of the
12 Burger King restaurant."

13 Did you make that statement to Detective
14 March?

15 A. Yes.

16 Q. Was that statement accurate?

17 A. Yes.

18 Q. "Beat 845R pursued McDonald in the police
19 vehicle through the parking lot toward Pulaski."

20 Did you make that statement to Detective
21 March?

22 A. Yes.

23 Q. Is that statement accurate?

24 A. Yes.

1 Q. "Sebastian told Officer Mondragon to
2 drive back out onto Pulaski to assist in the
3 pursuit."

4 Did you make that statement to Detective
5 March?

| | |
|---|---------|
| 6 | A. Yes. |
|---|---------|

7 Q. Is that statement accurate?

8 | A. Yes.

9 Q. "McDonald ran out onto Pulaski and
10 continued to run southbound down the middle of the
11 street."

12 Did you make that statement to Detective
13 March?

| | |
|----|---------|
| 14 | A. Yes. |
|----|---------|

15 Q. Is that statement accurate?

| | |
|----|---------|
| 16 | A. Yes. |
|----|---------|

17 Q. "Beat 845R pursued McDonald in their
18 vehicle southbound on Pulaski followed by beat
19 845R."

20 Did you make that statement to Detective
21 March?

22 A. I -- I didn't make that. I mean, I
23 don't remember saying that we were followed by 845
24 Robert. I don't remember saying that.

1 Q. Okay. Why does that stand out to you
2 more than the other statements that I have said so
3 far as something you might not have said?

4 A. Well, because 845 Robert, actually,
5 we -- it's -- to me, the way it's written makes it
6 sound like we were behind 845 Robert once we got
7 onto Pulaski, and that's inaccurate.

| | | |
|---|----|-------|
| 8 | Q. | Okay. |
|---|----|-------|

| | |
|---|----------|
| 9 | A. Okay. |
|---|----------|

| | |
|----|--|
| 10 | Q. Understood. What would be accurate? |
|----|--|

11 A. What would be accurate was that we were
12 southbound on Pulaski in the southbound lanes and
13 that 845 Robert was southbound on Pulaski somewhat
14 in the northbound lanes.

15 Q. Got it. "As McDonald ran southbound on
16 Pulaski, Sebastian saw the knife in his right
17 hand."

18 Is that what you told Detective March?

19 | A. Yes.

| | |
|----|----------------------|
| 20 | Q. Is that accurate? |
|----|----------------------|

| | |
|----|---------|
| 21 | A. Yes. |
|----|---------|

22 | Q. "McDonald was waving the knife."

23 | Is that what you told Detective March?

| | |
|----|---------|
| 24 | A. Yes. |
|----|---------|

| | |
|---|----------------------|
| 1 | Q. Is that accurate? |
|---|----------------------|

| | | |
|---|----|------|
| 2 | A. | Yes. |
|---|----|------|

3 Q. "Beat 845R stopped their vehicle ahead of
4 McDonald. Between McDonald and the Dunkin' Donuts
5 restaurant on the east side of Pulaski."

6 Is that what you told Detective March?

| | |
|---|---------|
| 7 | A. Yes. |
|---|---------|

| | |
|---|----------------------|
| 8 | Q. Is that accurate? |
|---|----------------------|

| | |
|---|---------|
| 9 | A. Yes. |
|---|---------|

10 Q. "Officers Joseph Walsh and Jason Van Dyke
11 exited their vehicle and drew their handguns."

12 | Is that what you told Detective March?

| | |
|----|---------|
| 13 | A. Yes. |
|----|---------|

14 Q. Is that accurate?

| | |
|----|---------|
| 15 | A. Yes. |
|----|---------|

16 Q. "McDonald turned toward the two officers
17 and continued to wave the knife."

18 Is that what you told Detective March?

19 A. It's not inaccurate; however, the next
20 couple of lines are out of what I would say
21 chronological order.

22 Q. Okay. So how would you correct it?

23 Well, what did the statements say that you think

24 are out of chronological order, and then just tell

| | | |
|---|----|------|
| 1 | A. | Yes. |
|---|----|------|

2 Q. Okay. So we can skip to -- "Officer
3 Sebastian heard multiple gunshots, and McDonald
4 fell to the ground where he continued to move."

5 Did you make that statement to Detective
6 March?

| | |
|---|---------|
| 7 | A. Yes. |
|---|---------|

| | |
|---|----------------------|
| 8 | Q. Is that accurate? |
|---|----------------------|

9 | A. Yes.

10 Q. "Sebastian did not know who fired the
11 shots which were fired in one continuous group."

12 Did you make that statement to Detective
13 March?

| | |
|----|---------|
| 14 | A. Yes. |
|----|---------|

15 Q. Is that statement accurate?

| | |
|----|---------|
| 16 | A. Yes. |
|----|---------|

17 Q. "She then saw Officer Walsh kick the
18 knife out of McDonald's hand."

19 Did you make that statement?

| | |
|----|---------|
| 20 | A. Yes. |
|----|---------|

21 Q. Is that statement accurate?

| | | |
|----|----|------|
| 22 | A. | Yes. |
|----|----|------|

23 Q. So we're going to go through the
24 allegations -- some of the allegations, not all of

1 them -- in the Notice of Allegations, and I'm going
2 to ask you some follow-up questions around each of
3 those. So it's going to be kind of repetitive of
4 what we have already just done here.

5 | A. Okay.

6 Q. But I am going to essentially probe a
7 little bit more while we go through the
8 allegations.

9 | A. Okay. Sure.

10 Q. And then I will let Kris -- once we're
11 done with these statement, I will talk to Kris and
12 we will go over it.

13 We are going to start at Allegation 2.

| | |
|----|----------|
| 14 | A. Okay. |
|----|----------|

15 Q. We'll make sure we are starting at 2.
16 Yes. Okay.

17 "It is alleged that on or about
18 October 20, 2014, you made a false statement during
19 an interview with Detective March when you stated
20 that you saw McDonald run out onto Pulaski and
21 continue to run down southbound down the middle of
22 the street waiving a knife."

23 Do you stand by your statement to
24 Detective March that is attributed to you?

| | | |
|---|----|------|
| 1 | A. | Yes. |
|---|----|------|

2 Q. And you believe McDonald was running out
3 onto Pulaski, running, not walking, correct?

| | |
|---|---------|
| 4 | A. Yes. |
|---|---------|

5 Q. And you believe that McDonald was waving
6 a knife -- was waving the knife, correct?

7 A. Well, once I got into Pulaski and I
8 could see that. When I initially saw him running,
9 like, through the Burger King parking lot where he
10 went on to Pulaski at some point, I did not see the
11 knife at that time.

| | |
|----|----------------------|
| 12 | Q. Okay. Understood. |
|----|----------------------|

13 "It is alleged that on or" -- and so
14 number 3. These will generally be in order. "It
15 is alleged that on or about October 20, 2014, you
16 made a false statement during the interview with
17 Detective March when you stated that McDonald
18 turned toward officers Walsh and Van Dyke and
19 continued to wave the knife?"

20 Do you stand by your statement that is

21 attributed to you?

22 A. Well, again, I corrected that in this
23 statement saying that it's out of chronological
24 order.

| | | |
|---|----|--------|
| 1 | Q. | Right. |
|---|----|--------|

2 A. He turned -- when it says he turned
3 towards officers and continued to wave the knife,
4 he turned towards -- yeah. I mean, I stand by it,
5 but it's out of chronological order.

6 Q. Okay. And we talked about this earlier.
7 I know that the order might not be exactly correct.

8 | A. Right.

9 Q. But that did happen?

10 A. He did turn towards them and in a motion
11 with the knife.

| | |
|----|----------------------|
| 12 | Q. Okay. Understood. |
|----|----------------------|

13 "It is alleged that on or about
14 October 20, 2014, you made a false statement during
15 an interview with Detective March when you stated
16 that McDonald ignored Officers Walsh and Van Dyke's
17 verbal directions to drop the knife and continued
18 to advance on the officers waving the knife."

19 Do you stand by your statement to
20 Detective March?

21 A. Right, I stand by this, but I will also
22 stand by my clarification as I stated before. He
23 continued to walk southbound. He continued to.

| | | |
|----|----|-------|
| 24 | Q. | Okay. |
|----|----|-------|

| | |
|---|---------------------------|
| 1 | A. Waving the knife. |
|---|---------------------------|

2 Q. "It is alleged that on or about
3 October 20, 2014, you made a material omission
4 during an interview with Detective March when you
5 failed to state that McDonald changed the direction
6 in which he was walking prior to the shooting."

7 Why didn't you tell Detective March that
8 Laquan McDonald changed direction, changed the
9 direction in which he was walking prior to the
10 shooting?

11 A. With this allegation, I'm not really
12 sure what you mean by McDonald changing direction.
13 He was walking in a southerly direction the entire
14 time was what I saw. He didn't turn and go back
15 north. He didn't turn and go directly east or
16 directly west; his motion was in a southerly
17 direction from what I saw that night.

| | | |
|----|----|-------|
| 18 | Q. | Okay. |
|----|----|-------|

19 A. Yeah, I never saw him change direction.

| | | |
|----|----|-------|
| 20 | Q. | Okay. |
|----|----|-------|

| | |
|----|----------|
| 21 | A. Okay. |
|----|----------|

22 Q. "It is alleged that on or about
23 October 20, 2014, you made a material omission
24 during an interview with Detective March when you

1 A. Correct.

2 Q. So I can see the first couple not knowing
3 right away, but then the continuous shots always on
4 McDonald, you never saw who was firing the gun?

5 A. I stand by my statement. I did not know
6 who shot Laquan McDonald until after everything was
7 all -- after the incident was done.

8 Q. At what point did you realize who was
9 shooting, if you did?

10 A. I don't remember. At some point on
11 scene, and I don't even remember --

12 Q. But it was after all of the shots were
13 fired?

14 A. Yes. Yes.

15 Q. And McDonald was on the ground?

16 A. Yes. Yes.

17 Q. I'm going to go back to the allegation I
18 said that we just repeated. Part of that
19 allegation said that the shots were fired in one
20 continuous group. Do you stand by that statement
21 that is --

22 A. That's what I recall.

23 Q. "It is alleged that on or about October
24 20th," so we're going to go -- actually, this

| | | |
|---|----|---------|
| 1 | A. | Uh-huh. |
|---|----|---------|

2 Q. Did you view it through any official
3 channels, or was it just from the --

4 A. Just the media.

5 Q. The press. Okay.

6 | A. And the internet.

7 Q. And have you seen it -- how many times
8 have you seen that video?

9 | A. I don't know. Several.

| | |
|----|-------------------|
| 10 | Q. Several times? |
|----|-------------------|

| | |
|----|------------|
| 11 | A. Uh-huh. |
|----|------------|

12 Q. Did you view it in preparation for this
13 interview with the Office of Inspector General?

| | |
|----|---------|
| 14 | A. Yes. |
|----|---------|

15 Q. After viewing the video, would you agree
16 that McDonald -- after reviewing the video after
17 the fact, do you agree that it appears McDonald
18 changed direction on the video prior to being shot?

19 MS. RUSSELL: What do you mean by "changed
20 direction"? He was going southbound and he moved
21 eastbound, or what do you mean?

22 BY MS. ANSARI:

23 Q. Yeah. So he was -- it's a bad question.

24 MS. ANSARI: Let me take one break off the

1 record.

2 MR. BROWN: The time is 12:47, and we will go
3 off the record.

4 (Whereupon, a break was taken from
5 12:47 to 12:48 p.m.)

6 MR. BROWN: And the time is 12:48.

7 MS. ANSARI: I'm going to strike that last
8 question, and Kris is going to ask some follow-up
9 questions about your statements to Detective March.

10 THE INTERVIEWEE: Okay.

11 FURTHER EXAMINATION

12 BY MR. BROWN:

13 Q. In regards to your conversation with
14 Detective March outside of your vehicle on the
15 scene of the incident, do you recall him asking you
16 questions and you responding, or did you just give
17 him a narrative as to what you saw?

18 A. He asked questions, and I responded.

19 Q. At any point --

20 A. I think. You know what? I'm not
21 100 percent sure on that. I honestly -- I can't
22 remember for sure.

23 Q. Okay.

24 A. Okay?

1 | A. I'm sorry.

2 Q. That's okay. In the statement done by
3 March that is attributed to you, there is a bit in
4 there about you hearing the orders to drop the
5 knife. I wanted you to expand a little bit how you
6 heard those orders. Kind of tell me what happened
7 there.

8 A. Well, and I guess I'm just looking for a
9 little clarification.

| | |
|----|----------------|
| 10 | Q. Okay. Sure. |
|----|----------------|

11 A. Joe Walsh you could hear yelling from a
12 block away. That's the commanding voice that he
13 has. He's a very loud commanding voice. I always
14 have my window down a little bit pretty much all
15 the time unless it's below zero.

16 Q. And that was what I was going to try to
17 follow up on.

18 A. Yeah. It's just my standard. I mean,
19 unless it's really, really, really cold, I have the
20 window cracked because I like to be able to hear
21 things, just --

22 Q. And on that night of October 20th, you
23 have a recollection of your window being opened a
24 little bit?

1 anything"?

2 A. I don't remember if he said that. No.

3 MR. BROWN: That's all my follow-up.

4 FURTHER EXAMINATION

5 BY MS. ANSARI:

6 Q. When did you first get out of the car
7 after the shooting?

8 A. I know I saw Walsh kick the knife out of
9 his hand. I can't remember whether I was out of
10 the vehicle yet, like getting out, or if I was
11 still in the vehicle. It was right around that
12 time.

13 Q. Okay.

14 A. But I can't be specific.

15 MS. ANSARI: So I think we are ready to move to
16 the IPRA statement. Do you guys want to take a
17 break or are you --

18 THE INTERVIEWEE: Yeah, a quick break.

19 MS. ANSARI: Okay. That's fine.

20 MR. BROWN: The time is now 12:54. We are
21 going to go off the record.

22 (Whereupon, a break was taken from
23 12:54 to 1:03 p.m.)

24 MR. BROWN: The time is now 1:03, and we are

1 back on the record.

2 MS. ANSARI: All right.

3 MR. BROWN: I think we're done with the
4 questions on these.

5 MS. ANSARI: Yes. So we can take all those
6 back.

7 BY MS. ANSARI:

8 Q. So, Officer Sebastian, we talked about
9 this already, but IPRA, just to confirm, IPRA
10 interviewed you about the McDonald shooting,
11 correct?

12 A. Correct.

13 Q. The interview took place on October 20,
14 2014 or --

15 A. No. It was the 21st.

16 Q. October 21st?

17 A. Yeah, because it was after midnight.

18 Q. Got it. Where did that interview take
19 place?

20 A. In the area central detective's division
21 area, the second floor.

22 Q. Was it in a conference room?

23 A. It was in some type of side room, yeah.
24 I don't know exactly what they refer to it as, but

1 | it was in a side room.

2 Q. And who was present during that
3 interview?

4 A. It was myself, Investigator Killen, FOP
5 rep Kris Kato, and FOP attorney Dan Herbert.

6 MS. RUSSELL: Can I look?

7 MS. ANSARI: Yeah, you can -- I mean, it's in
8 there, so it's fine. Whatever you remember, but we
9 have it down.

10 MS. RUSSELL: Oh, yeah.

11 BY MS. ANSARI:

12 Q. Who did you speak to in -- oh.

13 MS. RUSSELL: Go ahead. I'm sorry.

14 BY MS. ANSARI:

15 Q. Who did you speak to in preparation for
16 your IPRA interview?

| | |
|----|------------|
| 17 | A. No one. |
|----|------------|

| | |
|----|------------|
| 18 | Q. Nobody? |
|----|------------|

| | |
|----|------------|
| 19 | A. Nobody. |
|----|------------|

20 Q. So you said that Officers Fontaine
21 Viramontes, McElligott, Gaffney, Walsh, and
22 Mondragon and you were all at area central kind of
23 milling about in the same area waiting for your
24 IPRA interview, correct?

1 reviewed your IPRA statement?

2 A. Okay. Say that one more time. I'm
3 sorry.

4 Q. Okay. You stated that you may have
5 reviewed your IPRA statement before you went into
6 the Grand Jury, correct?

| | |
|---|-------------|
| 7 | A. Correct. |
|---|-------------|

8 Q. Before that, had you reviewed your IPRA
9 statement?

10 A. I don't recall whether I did or not.

11 Q. Did you keep the CD -- where did you keep
12 the CD? Where did you put it?

13 | A. I just keep it at home just in a drawer.

14 Q. Okay. Got it. And you never at home
15 pulled -- you know, stuck the CD in your computer
16 and reviewed your statement?

| | | |
|----|----|-----|
| 17 | A. | No. |
|----|----|-----|

18 Q. Okay. So outside of -- scratch that.

19 MS. ANSARI: Okay. So we are going to go
20 through the statement along with the allegations.
21 So that's Exhibit 3. So I will direct you to
22 certain portions of your transcript.

23 THE INTERVIEWEE: All I did was respond. I
24 mean, I can, but you are going tell me the pages. I

1 just on mine just jotted down what pages they --

2 MS. ANSARI: Yes.

3 THE INTERVIEWEE: But if you're not going to do
4 that, then --

5 MS. ANSARI: But if you want to use your copy,
6 we have no issue with that.

7 BY MS. ANSARI:

8 Q. So what my plan is, is to go through
9 the -- I will first direct you to where in your
10 transcript, what lines in the transcript correspond
11 to what allegations.

| | |
|----|----------|
| 12 | A. Okay. |
|----|----------|

13 Q. And then we will ask questions about each
14 allegation.

| | |
|----|----------|
| 15 | A. Okay. |
|----|----------|

16 Q. So we are going to start with Allegation
17 No. 10. I would like to direct your attention to
18 transcript page 6, lines 20 to 22. There's a
19 couple different parts. So if you want to start at
20 page 6 and read through page 8 and let me know when
21 you are done.

| | |
|----|----------|
| 22 | A. Okay. |
|----|----------|

23 Q. Okay. "It is alleged that on or about
24 October 21, 2014, you made a false statement when

1 during an interview with IPRA Investigator Killen,
2 you stated that McDonald was running southbound in
3 the middle of Pulaski waving a knife back and
4 forth, front to back."

5 Do you stand by your statement to IPRA?

| | |
|---|---------|
| 6 | A. Yes. |
|---|---------|

7 Q. I would like to direct your attention
8 page 8, lines 28 to 31.

9 | A. Uh-huh.

10 Q. Let me know when you get there and have
11 reviewed those lines.

12 A. I'm sorry. What was it?

| | |
|----|----------------------------|
| 13 | Q. Page 8, lines 28 to 31. |
|----|----------------------------|

14 | A. Oh. Okay.

15 Q. "It is alleged that on or about
16 October 21, 2014, you made a false statement during
17 an interview with IPRA Investigator Killen when you
18 stated that McDonald was still waving the knife as
19 you approached 41st Street."

20 Do you stand by your statement to IPRA?

21 | A. As he approached 41st Street?

| | | |
|----|----|---------|
| 22 | Q. | Uh-huh. |
|----|----|---------|

23 A. "Still waving the knife as you
24 approached 41st Street." I stand by my statement

1 as -- I guess I should have said approximately 41st
2 Street at -- I'm not sure exactly where we were at,
3 at 41st Street. I was just using that as a
4 reference of where we were at, at the time.

5 Q. Okay. I would like to direct your
6 attention to page 9, lines 28 to 32 and page 10,
7 1 through 4. So it's the statement that starts at
8 28 and goes into the next page.

| | |
|---|----------|
| 9 | A. Okay. |
|---|----------|

10 Q. And please let me know when you are done
11 reading.

| | |
|----|----------|
| 12 | A. Okay. |
|----|----------|

13 Q. "It is alleged that on or about
14 October 21, 2014, you made a false statement during
15 an interview with IPRA Investigator Killen when you
16 stated that McDonald was still waving the knife as
17 you" -- oh, my gosh. I apologize.

18 | A. That's okay.

19 Q. "It is alleged that on or about
20 October" -- scratch that one.

21 "It is alleged that on or about
22 October 21, 2014, you made a false statement during
23 an interview with IPRA Investigator Killen when you
24 stated that McDonald turned toward officers Walsh

1 and Van Dyke with a knife in a motion towards
2 them."

3 Do you stand by your statement to IPRA?

| | | |
|---|----|------|
| 4 | A. | Yes. |
|---|----|------|

5 Q. Can you clarify? That section to us is a
6 little confusing.

7 | A. Okay.

8 Q. Can you clarify what you meant there?

9 | A. Okay. So I'll clarify.

| | |
|----|----------|
| 10 | Q. Okay. |
|----|----------|

11 A. As he is walking southbound, walking,
12 running, I mean, it was just this -- you know, a
13 lot of movement, he's -- he's doing a back and
14 forth motion with the knife, you know (indicating),
15 or with his arm where he was holding the knife.

16 As he walked closer to Officers Van Dyke
17 and Walsh, at one point he did a twisting, he
18 turned towards them with the arm, his right arm,
19 which was what he was holding the knife with in a
20 twisting motion turning towards them. Does that
21 clarify it?

22 Q. Yes, it does.

| | |
|----|----------|
| 23 | A. Okay. |
|----|----------|

24 Q. Thank you. Okay. "It is alleged that on

1 or about October 21, 2014, you made a material
2 omission during an interview with IPRA Investigator
3 Killen when you failed to state that McDonald
4 changed the direction in which he was walking prior
5 to the shooting."

6 Why didn't you tell Investigator Killen
7 McDonald changed the direction in which he was
8 walking prior to being shot by Officer Van Dyke?

9 A. As previously stated, he was in a
10 southerly direction. I didn't see him change
11 direction northbound, directly westbound, or
12 directly eastbound. He was still in a southerly
13 direction. So I didn't -- I didn't see -- I didn't
14 omit it because I didn't see it.

15 Q. "It is alleged that on or about
16 October 21, 2014, you made a material omission
17 during an interview with IPRA Investigator Killen
18 when you failed to state that Officers Walsh and
19 Van Dyke moved towards McDonald prior to the
20 shooting."

21 Why didn't you tell Detective March that
22 Officers Walsh and Van Dyke moved towards McDonald
23 prior to the shooting?

24 MS. RUSSELL: Just one correction. Not

1 Detective March. What was the question again?

2 MS. ANSARI: Oh, I apologize. Killen.

3 MS. RUSSELL: Investigator Killen.

4 BY MS. ANSARI:

5 Q. Why didn't you tell Investigator Killen?

6 MS. RUSSELL: And the answer is the same
7 whether it's March or Killen.

8 MS. ANSARI: Right.

9 THE INTERVIEWEE: Yes.

| | |
|----|----------------|
| 10 | BY MS. ANSARI: |
|----|----------------|

11 Q. To correct the question, why didn't you
12 tell Investigator Killen that Officers Walsh and
13 Van Dyke moved towards McDonald prior to the
14 shooting?

15 A. I did not see Officers Walsh and
16 Van Dyke move towards McDonald during the shooting.

17 Q. What type of motion did they make prior
18 to the shooting?

19 A. I saw them get out of their vehicle.
20 I mean, I guess if you want to say making a motion
21 towards McDonald meaning getting out of the vehicle
22 onto the street, but as far as that, I saw them out
23 of the vehicle with their guns drawn. That's all I
24 saw.

1 Q. And they didn't -- you didn't see them
2 step forward to shoot?

3 | A. I didn't, no.

| | |
|---|----------------------------|
| 4 | Q. Did they step backward? |
|---|----------------------------|

5 A. I didn't see -- I didn't -- I didn't
6 notice any movement. I glanced over, I saw them
7 out of the car with their weapons drawn, and then I
8 was watching Laquan McDonald.

9 Q. So if you will look at page 11, lines 17
10 to 18.

11 A. I went the wrong way.

12 Q. Oh, did you? Okay.

13 | A. Okay. I'm here.

14 Q. "It is alleged that on or about
15 October 21, you made a false statement during an
16 interview with IPRA Investigator Killen when Killen
17 asked if you knew who was shooting and you stated,
18 'I did not.'"

19 Do you stand by your statement to IPRA?

20 | A. Yes, I do.

21 Q. And we have already talked about how you
22 did not see who is shooting, but can you repeat
23 that for the record?

24 | A. Sure. For the record, I can say that I

1 did not -- I saw Officer Walsh and Van Dyke out of
2 the vehicle with their weapons drawn, loud and
3 clear, "Drop the knife," ordering Mr. McDonald to
4 drop the knife. At that point, my attention was
5 turned to Laquan McDonald.

6 Q. So please turn to page 13, lines 14 to
7 16: "It is alleged that on or about October 21,
8 2014, you made a false statement when during an
9 interview with IPRA Investigator Killen, Killen
10 asked everything you stated was a true and accurate
11 account of what occurred, and you stated, 'Yes,
12 sir.'"

13 Do you stand by your answer that you gave
14 a true and accurate account of the McDonald
15 shooting to Investigator Killen?

| | |
|----|---------|
| 16 | A. Yes. |
|----|---------|

17 Q. The last allegation is, I believe,
18 Allegation 9: "It is alleged that on or about
19 October 21, 2014, you provided a false narrative to
20 IPRA Investigator Brian Killen concerning the
21 McDonald shooting through a series of false
22 statements and material omissions."

23 Do you stand by your answer that you gave
24 a true and accurate account of the McDonald

1 shooting to Investigator Killen?

| | |
|---|---------|
| 2 | A. Yes. |
|---|---------|

3 MS. ANSARI: Okay. So I am done with the IPRA
4 statement.

5 Do you have any follow-up questions,
6 Kris?

7 MR. BROWN: I have just one follow-up question.

8 FURTHER EXAMINATION

9 BY MR. BROWN:

10 Q. You noted a little while ago that you
11 observed a twisting motion by McDonald?

| | |
|----|-------------|
| 12 | A. Correct. |
|----|-------------|

13 Q. I wanted to ask you, was that twisting
14 motion because McDonald was shot?

15 A. To the best of my recollection that the
16 twisting motion was before the shooting began.

17 MR. BROWN: Okay. That's all I had.

18 THE INTERVIEWEE: Okay.

19 FURTHER EXAMINATION

20 BY MS. ANSARI:

21 Q. So we are going to move on to background
22 and the allegations related to the dash camera.

| | |
|----|----------|
| 23 | A. Okay. |
|----|----------|

24 Q. So we have quite a few background

1 be manually engaged.

2 Q. So the in-car video system captures audio
3 as well, correct?

4 A. Yes.

5 Q. It's intended to?

6 A. Supposed to. Yes.

7 Q. Can you walk us through the ways
8 generally that you use the in-car video system in a
9 shift, during a shift?

10 A. I guess I'm kind of -- you would have to
11 be a little more specific.

12 Q. Scratch that.

13 A. Okay.

14 Q. It's not a good question.

15 A. Okay.

16 Q. So as of October 20, 2014, what are the
17 rules and regulations governing your use of the
18 in-car video and audio system?

19 A. I don't know.

20 Q. So we have an exhibit, a special order --

21 A. Okay.

22 Q. -- regarding the car video system.

23 MS. ANSARI: So we will mark this exhibit,
24 Exhibit 8.

1 (Whereupon, Exhibit 8 was marked
2 for identification.)

3 BY MS. ANSARI:

4 Q. It is CPD special order S03-05 regarding
5 in-car video systems. It's date February 3rd,
6 2012.

| | |
|---|----------|
| 7 | A. Okay. |
|---|----------|

8 Q. And it is our understanding that this was
9 the special order that was in place on October 20,
10 2014.

| | |
|----|----------|
| 11 | A. Okay. |
|----|----------|

12 Q. Does this special order refresh -- I will
13 give you a chance to review it. Let me know when
14 you are done. It's long. I guess you don't have
15 to read the whole thing.

| | |
|----|----------|
| 16 | A. Yeah. |
|----|----------|

17 Q. You don't have read the whole thing.

| | |
|----|----------|
| 18 | A. Okay. |
|----|----------|

19 Q. We can direct you to relevant sections.

| | |
|----|----------|
| 20 | A. Okay. |
|----|----------|

21 Q. But as a general matter, does this
22 special order refresh your recollection as to the
23 in-car video system protocols that were in place as
24 of October 2014?

1 | A. Uh-huh. Yeah.

2 Q. Have you seen this document before?

| | |
|---|----------------------------|
| 3 | A. Probably at some point. |
|---|----------------------------|

4 Q. I want to direct your attention to
5 section 6 titled Operational Procedures.

6 Okay. Right at the beginning, section A,
7 it states, "Department members assigned to
8 department vehicle equipped with an in-car video
9 system will at the beginning of a tour of duty
10 visually inspect the in-car video system for
11 damage, obtain the remote transmitter/audio
12 recorder and assure it is securely attached to the
13 member's person, follow the startup procedures for
14 the in-car video system as trained, and ensure the
15 system is working properly.

16 "Note: Members will immediately notify
17 supervisor if at any time an in-car video system is
18 inoperable, damaged, the equipped vehicle becomes
19 inoperable, or the remote transmitter audio
20 recorder is missing?"

21 Were you aware --

22 THE INTERVIEWEE: Can I -- I need a break for a
23 quick minute.

| | |
|----|-------------------|
| 24 | MS. ANSARI: Sure. |
|----|-------------------|

1 MR. BROWN: The time is 1:24 p.m. We are going
2 off the record.

3 (Whereupon, a break was taken from
4 1:24 to 1:26 p.m.)

5 MR. BROWN: The time is 1:26, and we are back
6 on the record.

7 BY MS. ANSARI:

8 Q. So we left off at reading operational
9 procedure section 6, or section 6, subheading A.

10 A. Okay.

11 Q. Were you ever trained on these
12 procedures, Officer Sebastian?

13 A. Yes.

14 Q. Do you remember when?

15 A. In 2006.

16 Q. 2006?

17 Were there subsequent trainings after
18 2006?

19 A. I don't recall.

20 Q. But you remember at least -- did you have
21 multiple trainings on these in-car video systems?

22 A. I don't recall.

23 Q. But at least once? You have had --

24 A. At least once.

1 Q. -- the training at least once?

2 A. Yeah. Yeah. It's hard to -- because
3 they've kind of picked up the pace on it now, so I
4 can't discern, like --

5 Q. Well, as of October 20, 2014?

6 A. Well, I can recall it was -- yes, I had
7 the training in 2006.

8 Q. Do you remember what the nature of the
9 training, like what substance went into the
10 training in 2006?

11 A. I don't remember. That's when they were
12 introducing them, so I don't remember specifically
13 what the content was of the class; however, it was
14 the general procedures on how to operate the
15 cameras. Specifically, I don't recall.

16 Q. So the note in here which says, "Members
17 will immediately notify a supervisor if at any time
18 the in-car video system is inoperable, damaged, the
19 equipped vehicle becomes inoperable, or the remote
20 transmitter audio recorder is missing," is that a
21 regular practice to actually notify the supervisor
22 if the in-car video system is inoperable, damaged
23 in the equipped --

24 A. Yes.

1 Q. Okay. Have you ever in the past, so not
2 related to anything on October 20, 2014, but have
3 you ever in the past had to notify your supervisor
4 about problems with your in-car video system?

5 A. Yes, up to and including the fact that
6 my PC number didn't work until after the incident.

| | | |
|---|----|-------|
| 7 | Q. | Okay. |
|---|----|-------|

8 A. I had over the course of 2006 to 2014
9 intermittently -- when I didn't have a partner that
10 could sign in, like a PPO or whatever, let them
11 know that my PC number doesn't work.

12 Q. What does that mean that your PC number
13 doesn't work?

14 A. When you log into the system, you have
15 to have your PC number, which is your computer
16 number that's used for almost all computer
17 applications, the PDT, the CLEAR system, so that's
18 basically our computer number. My PC number for
19 the in-car camera system was never operable.

20 I can't give you any specific dates, any
21 specific supervisors; however, I did do two
22 to-froms and I did make notifications that my PC
23 number didn't work. However, if I had a partner
24 whose PC number worked, that's just what we did.

1 | We would sign in with theirs.

| | | |
|---|----|-------|
| 2 | Q. | Okay. |
|---|----|-------|

3 A. It wasn't until after the Laquan
4 McDonald incident when I contacted -- someone
5 advised me to contact for data which no one had
6 ever done before, and that's when they enabled my
7 PC number. I don't know what they did to do it.
8 I got an e-mail saying, "Hey, it's done. You're
9 good to go." And now I can log in.

| | |
|----|----------|
| 10 | Q. Okay. |
|----|----------|

| | |
|----|----------|
| 11 | A. Okay? |
|----|----------|

12 Q. And your partner, Officer Mondragon, does
13 she have a valid PC number that works?

14 | A. Yeah. Yeah.

15 Q. I mean, there was video that night.

| | |
|----|----------|
| 16 | A. Yeah. |
|----|----------|

17 Q. So it's not --

18 A. Obviously, that part was working. Yeah.

19 Q. It worked.

| | |
|----|----------|
| 20 | A. Yeah. |
|----|----------|

21 Q. So you were driving vehicle 8779 on
22 October 20, 2014, correct?

| | |
|----|-------------|
| 23 | A. Correct. |
|----|-------------|

| | | |
|----|----|-------|
| 24 | Q. | Okay. |
|----|----|-------|

1 Q. Okay. So --

2 A. I think -- I can't tell you exactly who
3 it's assigned to. I think it's a day shift, like
4 that, but I'm not positive.

5 Q. Do you know about how long you have had
6 that car or as a general matter how long you have
7 been using it?

8 | A. How long we had that car?

| | | |
|---|----|-------|
| 9 | Q. | Yeah. |
|---|----|-------|

10 A. Because we don't have it anymore. No.
11 I don't remember how long we had had it at that
12 point.

13 Q. Had you had any issues with 8779's video
14 system before?

15 A. I don't remember.

16 Q. What about the audio? Did you have any
17 issues with the audio before this?

18 | A. I don't remember.

19 Q. You don't recall ever reporting issues
20 with 8779's camera?

21 | A. I don't --

22 Q. Besides the PC number, your PC number
23 working, do you recall ever reporting issues with
24 that, regarding the in-car video system of that

1 | specific car?

2 | A. I don't recall whether I did or not.

3 And the reason that is, is because I've called and
4 reported video in-car camera systems not working,
5 but I can't remember if we were using 8779 that
6 night.

| | | |
|---|----|-------|
| 7 | Q. | Okay. |
|---|----|-------|

8 | A. So I may have, but I don't recall.

9 Q. So on previous occasions, you have been
10 in cars where the video system isn't working?

| | |
|----|-------------|
| 11 | A. Correct. |
|----|-------------|

12 Q. And have you on previous occasions been
13 in cars where the audio system isn't working?

| | |
|----|-------------|
| 14 | A. Correct. |
|----|-------------|

15 Q. Is it more likely that the audio doesn't
16 work than video? Maybe that was a bad question.

17 Yeah, I guess, is it more likely that the
18 video isn't working versus the audio, or is it kind
19 of a regular thing that the audio never works and
20 videos maybe half the time?

21 | A. I don't know.

22 Q. What about with your personal experience?

23 | A. I don't know.

24 Q. So on the morning or at the beginning of

1 your tour on October 20, 2014, can you walk us
2 through what you did with regards to the in-car
3 video and audio system?

4 A. Well, Janet logged in because I
5 can't -- I don't have a log-in. So we just logged
6 into the camera.

7 Q. Do you recall visually inspecting the
8 in-car video system equipment for damage?

| | |
|---|---------|
| 9 | A. Yes. |
|---|---------|

10 Q. Do you recall obtaining the remote
11 transmitter audio recorder and ensuring it was
12 securely attached to your person?

| | | |
|----|----|-----|
| 13 | A. | No. |
|----|----|-----|

14 Q. You don't recall doing that?

15 | A. I didn't do it.

16 Q. Okay. Why didn't you do it?

17 | A. I don't have an answer for that.

| | |
|----|----------|
| 18 | Q. Okay. |
|----|----------|

19 A. I didn't do it.

20 Q. Is it your regular practice to do that?

21 A. It is now.

22 Q. It is now. Before October 20, 2014?

23 A. No, it was not.

24 Q. It was not. Okay.

1 The department in general, was it regular
2 practice for other -- is it your understanding that
3 it wasn't a regular practice for other police
4 officers?

5 A. I don't know whether it was or it
6 wasn't.

| | | |
|---|----|-------|
| 7 | Q. | Okay. |
|---|----|-------|

8 A. Can I just clarify that you asked if we
9 visually inspected the in-car video system? It
10 was -- I'm referring specifically to the camera
11 portion of it. Okay?

| | | |
|----|----|------|
| 12 | Q. | Yes. |
|----|----|------|

13 | A. All right. I just wanted to make sure.

14 Q. Yeah. Understood.

15 So you said that Janet Mondragon logged
16 in with her PC number, correct?

| | |
|----|-------------|
| 17 | A. Correct. |
|----|-------------|

18 Q. Where do you generally -- as a general
19 matter, and this is not necessarily on October 20,
20 2014, where do you normally keep the microphones
21 for the --

22 A. They have a cradle. I don't know what
23 you call them, a charger or cradle. There is just
24 a little thing that they stay in, and that's what

1 charges them. We call it a cradle. I don't know
2 what the technical term is for it.

3 MS. ANSARI: Okay. So I'm going to enter into
4 exhibit -- well, what are we on, 9?

5 MR. BROWN: Yes.

6 MS. ANSARI: Exhibits 9 and 10.

7 (Whereupon, Exhibit 9 and
8 Exhibit 10 were marked for
9 identification.)

10 BY MS. ANSARI:

11 Q. Okay. Exhibit 9 is an In Car Camera
12 Video Retrieval Worksheet. It was filled
13 out -- the technician listed on this worksheet is
14 Becvar, that is Sergeant Lance Becvar. And then
15 Exhibit 10 is an e-mail from Sergeant Lance Becvar
16 dated Friday, July 17, 2015.

17 A. Okay.

18 Q. And that is regarding the in-car videos.
19 Both documents are regarding the in-car video
20 system.

21 So, Officer Sebastian, you stated you
22 were in vehicle 8779 on October 20, 2014 on the
23 night of the Laquan McDonald shooting, correct?

24 A. Yes.

1 Q. So according to Becvar, the mics were in
2 the glove compartment with the batteries inserted
3 upside down, disabling them.

4 Do you recall having a conversation with
5 Officer Becvar on the night of October 20, 2014?

| | | |
|---|----|-----|
| 6 | A. | No. |
|---|----|-----|

7 Q. Do you remember Officer Mondragon having
8 a conversation with him?

| | | |
|---|----|-----|
| 9 | A. | No. |
|---|----|-----|

10 Q. Can you explain why the mics were in the
11 glove compartment? Okay. And you don't know who
12 Sergeant Becvar is?

| | | |
|----|----|-----|
| 13 | A. | No. |
|----|----|-----|

14 Q. Correct? I mean, we have asked that
15 already.

16 A. I may have seen him, but I don't know
17 him.

18 Q. Okay. And we really have kind of covered
19 that already.

20 A. We've covered that already.

21 Q. So why were the mics in the glove
22 compartment?

23 | A. I don't know.

24 Q. Do you know why the batteries were

```
1 | inserted upside down?
```

| | |
|---|------------------|
| 2 | A. No, I do not. |
|---|------------------|

3 Q. Did you purposefully disable the
4 microphones?

5 A. No, I did not.

6 Q. Can you explain why there is no audio
7 captured by any of the in-car video systems on the
8 night -- of any of the five vehicles on the night
9 of the McDonald shooting?

| | | |
|----|----|-----|
| 10 | A. | No. |
|----|----|-----|

11 Q. Were you surprised to hear that none of
12 the five vehicles captured any audio?

| | | |
|----|----|-----|
| 13 | A. | No. |
|----|----|-----|

14 Q. Why were you not surprised to hear that?

15 A. Well, this is a perfect example right
16 here. If you look at the sheet that you gave me,
17 Exhibit, I believe, No. 10, if you look at the
18 description of all the systems, it will show you
19 right there that half of them aren't working, there
20 are videos so long that they can't be processed,
21 unable to start another video. This is a regular
22 occurrence. I can't give you any statistics on it;
23 however, it's -- it happens.

24 Q. After the Laquan McDonald -- the video

1 came out in public in the media November 2015, are
2 you aware of news articles that came out after that
3 discussing dash cam video and audio and about how
4 it was in a lot of officers' -- I will rephrase
5 that question.

6 Have you ever been disciplined for having
7 not working video or audio in your dash cam
8 vehicle?

9 A. No.

10 Q. For your vehicle?

11 A. No.

12 Q. No. Okay.

13 Do you know if there was a practice of
14 CPD officers disabling the audio component of the
15 in-car video system?

16 A. I do not know that there is a practice
17 where officers do that.

18 Q. Okay. And you have never heard of such a
19 practice?

20 A. No.

21 Q. Did you hear of an incident where
22 officers threw their microphones on the roof of
23 their district?

24 A. Maybe on the news. I don't know.

1 Maybe. I don't know. I don't know. It sounds
2 familiar, but I have no -- I have no idea where I
3 heard it from. So --

4 MS. ANSARI: Okay. Okay. I think we can just
5 go ahead and -- oh, well, I will go into the
6 allegations, and then you can do follow-up, or
7 vice-versa.

8 MR. BROWN: Okay.

9 BY MS. ANSARI:

10 Q. Go back to the allegations.

| | |
|----|----------|
| 11 | A. Okay. |
|----|----------|

12 Q. So this starts at 17.

| | | |
|----|----|------|
| 13 | A. | Yes. |
|----|----|------|

14 Q. So we will go from there.

15 "It is alleged that on or about
16 October 20, 2014, you disabled the microphones for
17 CPD vehicle 8779 by placing them into the vehicle's
18 glove compartment with the batteries inserted
19 upside down."

20 | What is your response to that allegation?

21 A. My response is that I did not insert the
22 batteries upside down or put the microphones in the
23 glove box.

24 Q. So you weren't --

1 A. Oh, but I don't deny that it was
2 disabled.

3 Q. Okay. But you weren't the one who placed
4 the microphones in the glove compartment?

5 A. Correct.

6 Q. And you did not insert the batteries
7 upside down?

8 A. Correct.

9 Q. And you recall that? It's not something
10 that you don't recall; you know that you didn't do
11 that?

12 A. I know that I didn't do that, yes.

13 Q. You're just not sure how it happened?

14 A. Exactly.

15 Q. "It is alleged that on or about
16 October 20, 2014, you failed to ensure the in-car
17 video system for CPD vehicle 8779 was working
18 properly at the beginning of your tour of duty."

19 What is your response to that allegation?

20 A. My response to that allegation is that
21 it appeared that the in-car camera was working
22 properly at the beginning of the tour; however, I
23 did not ensure that the audio system was working
24 correctly.

1 Q. "It is alleged that on or about
2 October 20, 2014, you failed to immediately notify
3 a supervisor that the in-car video system for CPD
4 vehicle 8779 was inoperable or damaged."

5 What is your response to that allegation?

6 A. My response to that is that's correct.
7 I did not immediately notify a supervisor.

8 Q. "It is alleged that on or about
9 October 20, 2014, you failed to audibly record
10 events with CPD vehicle 8779's in-car video system
11 during your tour of duty."

12 Do you have --

13 A. Can I go back? I apologize for
14 interrupting. Can I go back to number 19?

15 Q. Sure.

16 A. Because although -- I did fail to
17 immediately notify the supervisor; however, I did
18 not check the microphones. So I didn't know that
19 they were inoperable, damaged. I didn't check
20 them.

21 Q. Okay.

22 A. Okay? So I just wanted to add that to
23 it. Okay. Go ahead. I'm sorry.

24 Q. No problem.

1 "It is alleged that on or about
2 October 20, 2014, you failed to audibly record
3 events with CPD vehicles 8779's in-car video system
4 during your tour of duty."

5 What is your response to that allegation?

6 A. Again, I'll repeat the fact that I
7 didn't inspect the microphones. I didn't ensure
8 that they were working. So I had no knowledge
9 whether it would record it or not record it at the
10 time of the incident.

11 Q. Understood.

12 MS. ANSARI: Do you have any questions for
13 Officer Sebastian?

14 MR. BROWN: Just a couple.

15 FURTHER EXAMINATION

16 BY MR. BROWN:

17 Q. You noted receiving a training in 2006 in
18 regards to the -- I guess, the video system?

19 A. Yes.

20 Q. The video system that was in the vehicles
21 in 2006, is that the same one that was in the
22 vehicles in 2014?

23 A. I think they have an updated version.

24 I can't answer that question for sure. I think the

1 on it now. So when they have plate readers on it,
2 they like to give it to a traffic officer who maybe
3 does car accidents and stuff like that, so now we
4 have a new vehicle, which is not unusual. They
5 trade out and swap vehicles a lot -- I mean, not a
6 lot, but they do it.

7 Q. As far as you know, it wasn't any
8 response to any, I guess, deficiencies with the
9 systems in vehicle 8779?

10 | A. Not to my knowledge.

11 Q. I know you stated that you couldn't
12 estimate the frequency as to which or how often the
13 audio or the video system was not working. But
14 whenever the audio or the video system wasn't
15 working, would you typically report that to your
16 sergeant?

17 A. Yes, if there was anything wrong with
18 the -- yeah. Yes.

19 Q. It sounds like from what you have told us
20 that it was typical that you would check the video
21 system when you start your tour?

| | |
|----|-------------|
| 22 | A. Correct. |
|----|-------------|

23 Q. Was it typical for you to also check the
24 audio system?

1 | us.

| | | |
|---|----|-----|
| 2 | A. | No. |
|---|----|-----|

3 MS. RUSSELL: I would also just add that to the
4 extent Officer Sebastian actually understands the
5 extent of your investigation --

6 MS. ANSARI: Yes.

7 MS. RUSSELL: -- I don't think she has anything
8 to add.

9 MS. ANSARI: Understood. Okay. Then I think
10 we can go off the record, and this concludes our
11 interview. We'll go off the record. The time is
12 1:53 p.m.

13 (Which were all proceedings in the
14 above-entitled interview this date.)

1 | STATE OF ILLINOIS |)

2) SS:

3 | COUNTY OF COOK)

4

5 I, ANDREW ROBERT PITTS, C.S.R. No. 84-4575, a
6 Certified Shorthand Reporter within and for the
7 County of Cook and State of Illinois, do hereby
8 certify:

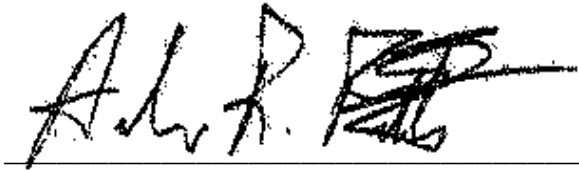
9 That previous to the commencement of the
10 examination of the Interviewee, the Interviewee was
11 duly sworn to testify the whole truth concerning
12 the matters herein;

13 That the foregoing interview transcript
14 was reported stenographically by me, was thereafter
15 reduced to typewriting under my personal direction
16 and constitutes a true record of the testimony
17 given and the proceeding had;

18 That the said interview was taken before
19 me at the time and place specified;

20 That I am not a relative or employee or
21 attorney or counsel, nor a relative or employee of
22 such attorney or counsel for any of the parties
23 hereto, nor interested directly or indirectly in
24 the outcome of this action.

1 IN WITNESS WHEREOF, I do hereunto set my
2 hand and affix my seal of office at Chicago,
3 Illinois this 5th day of April, 2016. .

4 
5
6

7 Certified Shorthand Reporter

8 Cook County, Illinois

9 My commission expires May 31, 2017

10
11 C.S.R. Certificate No. 84-4575.
12
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03/21/2014 10:00:00 AM
IN RE DAPHNE SEBASTIAN

03/21/2014 10:00:00 AM
IN RE DAPHNE SEBASTIAN

CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

ADVISEMENT OF RIGHTS

I, Daphne Sebastian, understand that I am being interviewed by
Sarah Ansari and Kristopher Brown from the City of
Chicago Office of Inspector General.

DATE 3/21/16 TIME 10:17 LOCATION 300 W. Adams Ste 800

I understand that this interview is part of an official investigation and that I have a duty to cooperate with the Office of Inspector General, which includes answering all questions completely and truthfully.

I understand that I have no right to remain silent. I understand that I have an obligation to answer questions put to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered by a superior officer to answer the questions. I further understand and I have been advised that if I persist in my refusal to answer after an order to do so, such further refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and may serve as the basis for my discharge.

I understand and have been advised that my statements or responses may constitute an official police report. I understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral, and I further understand that making such a false report, whether written or oral, may result in my separation from the Chicago Police Department.

I understand that any statement made by me during this interview may be used as evidence of misconduct or as the basis for disciplinary action up to and including removal or discharge.

I understand that any statement made by me during this interview and the fruits thereof cannot be used against me in a criminal proceeding.

I understand that I have the right to have a union representative, or legal counsel of my choosing, present at the interview to consult with, and that I will be given a reasonable time to obtain a union representative or legal counsel as long as the interview is not unduly delayed.

I understand that a refusal to answer any question, or any false, inaccurate, or deliberately incomplete statement by me would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the basis for my discharge.

I acknowledge that this statement of my administrative rights has been read aloud to me, and I have been allowed to review this document.

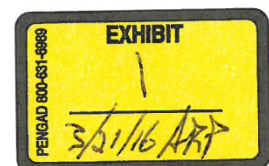
Daphne Sebastian
Employee Signature

Witness: Sarah Ansari Witness: Kristopher Brown

WAIVER

Understanding these rights, I wish to answer questions from investigators from the Office of Inspector General without having a union representative or legal counsel present. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Employee Signature: _____



NOTIFICATION OF INTERVIEW TO CPD MEMBER

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

DATE

February 24, 2016

| NAME | RANK | STAR NO. | UNIT OF ASSIGNMENT |
|------------------|----------------|----------|--------------------|
| Daphne Sebastian | Police Officer | 2763 | 008 |

YOUR APPEARANCE IS REQUIRED

| | | | | |
|--|---|----|-----------------------|-----------------|
| AT <input checked="" type="checkbox"/> | Amicus Court Reporters 300 West Adams, Ste. 800 Chicago, IL 60606 | ON | DATE March 2, 2016 | TIME 9:00 PM |
|--|---|----|-----------------------|-----------------|

AS ☒ ACCUSED ☐ WITNESS ☐ COMPLAINANTFOR ☒ A STATEMENT

CONCERNING

False statements made in connection with the October 20, 2014 shooting of Laquan McDonald; the operation of the Chicago Police Department's in-car video system.

YOU ARE TO REPORT TO:

| LEAD INVESTIGATOR | TITLE | PHONE NO. | EMAIL |
|-------------------|------------------|--------------|---------------------------------------|
| Kristopher Brown | Investigator III | 773-478-0221 | kbrown@chicagoinpector general.org |

NOTE: You MUST notify the Lead Investigator of your inability to keep this scheduled appointment.**ALSO PRESENT AT THE INTERVIEW WILL BE:**

| NAME | TITLE | NAME | TITLE |
|--------------|--------------------------------|------|-------|
| Sarah Ansari | Assistant Inspector General | N/A | N/A |

THE INTERVIEW WILL BE ☐ AUDIO RECORDED ☒ TRANSCRIBED BY A LIVE REPORTER

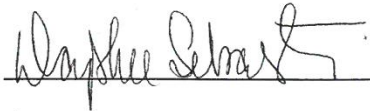
TO BE COMPLETED BY INTERVIEWEE (if applicable)

ACKNOWLEDGEMENT

Please contact Investigator Brown at (773) 478-0221 to confirm receipt of Notification of Interview and to confirm your attendance at the interview.

I hereby acknowledge receipt of this Notification of Interview.

SIGNATURE



DATE

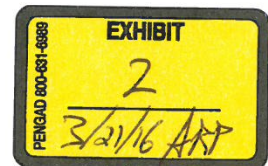
24 FEB 2016

PRINTED NAME

DAPHNE SEBASTIAN

TIME

2250

TO BE COMPLETED BY OFFICE OF INSPECTOR GENERAL OR
CPD COMPONENT PROVIDING NOTIFICATION TO INTERVIEWEE

NOTIFICATION MADE TO:

P.O. SEBASTIAN

TITLE, RANK, & UNIT

P.O. Daphne Sebastian

DATE

24 FEB 2016

TIME

2248

NOTIFICATION MADE BY:

Sgt. TORRANCE COLEMAN

TITLE, RANK, & UNIT

Sgt. TORRANCE COLEMAN

DATE

24 FEB 2016

TIME

2248

NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

| NAME OF ACCUSED | RANK | STAR NO. | UNIT OF ASSIGNMENT |
|------------------|----------------|----------|--------------------|
| Daphne Sebastian | Police Officer | 2763 | 008 |

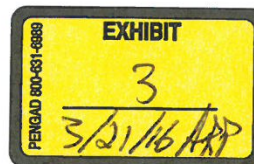
City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

COMPLAINANT

1. John J. Escalante, Interim Superintendent of Chicago Police Department, sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statements on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

ALLEGATIONS

1. On or about October 20, 2014, you provided a false narrative to Detective David March of the Chicago Police Department (CPD) concerning the McDonald Shooting through a series of false statements and material omissions.
2. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that you saw McDonald run out onto Pulaski and continue to run southbound down the middle of the street, waving a knife.
3. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald turned toward Officers Walsh and Van Dyke and continued to wave the knife.
4. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald ignored Officers Walsh and Van Dyke's verbal directions to "Drop the knife!" and continued to advance on the officers, waving the knife.
5. On or about October 20, 2014, you made a material omission during an interview with CPD Detective March when, with respect to the McDonald Shooting, you failed to state that McDonald changed the direction in which he was walking prior to the shooting.



6. On or about October 20, 2014, you made a material omission during an interview with CPD Detective March when, with respect to the McDonald Shooting, you failed to state that Officers Walsh and Van Dyke moved towards McDonald prior to the shooting.
7. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald continued to move after he fell to the ground.
8. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that you did not know who fired the shots, which were fired in one, continuous group.
9. On or about October 21, 2014, you provided a false narrative to Independent Police Review Authority (IPRA) Investigator Brian Killen concerning the McDonald Shooting through a series of false statements and material omissions.
10. On or about October 21, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you stated that McDonald was running southbound in the middle of Pulaski, waving a knife back and forth, front to back.
11. On or about October 21, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you stated that McDonald was still waving the knife as you approached 41st Street.
12. On or about October 21, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you stated that McDonald turned toward Officers Walsh and Van Dyke with the knife "in a motion towards them."
13. On or about October 21, 2014, you made a material omission during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you failed to state that McDonald changed the direction in which he was walking prior to the shooting.
14. On or about October 21, 2014, you made a material omission during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you failed to state that Officers Walsh and Van Dyke moved towards McDonald prior to the shooting.
15. On or about October 21, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, Killen asked if you knew who was shooting, and you stated, "I did not."
16. On or about October 21, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, Killen asked if everything you stated was a true and accurate account of what occurred, and you stated, "Yes."
17. On or about October 20, 2014, you disabled the microphones for CPD vehicle 8779 by placing them into the vehicle's glove compartment with the batteries inserted upside down.

18. On or about October 20, 2014, you failed to ensure the in-car video system for CPD vehicle 8779 was working properly at the beginning of your tour of duty.
19. On or about October 20, 2014, you failed to immediately notify a supervisor that the in-car video system for CPD vehicle 8779 was inoperable or damaged.
20. On or about October 20, 2014, you failed to audibly record events with CPD vehicle 8779's in-car video system during your tour of duty.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

Signature

Daphne Sebastian

Date

24 FEB 16

Printed Name

DAPHNE SEBASTIAN

Time

2254

WITNESSES

J. T. #814

24 FEB 2016

2254 H/13.



CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL
740 North Sedgwick Street
Suite 200
Chicago, Illinois 60654

RECEIPT FORM

OIG FILE NO. 15-0564

ON

DATE

24 FEB 2016

AT

TIME

2258 HRS.

NAME

Sgt. ~~TERENCE COLEMAN~~ ^{PH}

TITLE

Sgt. of Police



SEIZED FROM



RECEIVED FROM



RETURNED TO



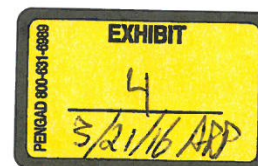
RELEASED TO

| NAME | TITLE | DEPT. |
|------------------|----------------|---------------------------|
| Daphne Sebastian | Police Officer | Chicago Police Department |

THE FOLLOWING ITEM(S):

1. A City of Chicago Office of Inspector General DVD containing the following materials:
 - a copy of the portion of the March 16, 2015 Case Supplementary Report for R.D. No. HX475653 that memorializes Detective David March's October 20, 2014 interview of Daphne Sebastian;
 - Detective March's October 20, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 20, 2014 interview of Daphne Sebastian;
 - A copy of the transcript of the October 21, 2014 interview of Daphne Sebastian, conducted by Independent Police Review Authority Investigation Brian Killen;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 813R;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 845R;
 - The October 20, 2014 Dunkin Donuts security video of the Laquan McDonald shooting.

ACKNOWLEDGEMENT



I hereby acknowledge receipt in writing of the above-listed item(s).

Signature Daphne Sebastian

Date 24 FEB 16

Printed Name DAPHNE SEBASTIAN

Time 2258

WITNESSES

[Signature] # 927

24 Feb 2016 2258HRS

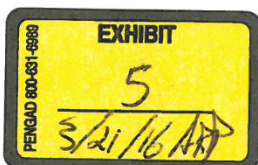
STATEMENT OF P.O. DAPHNE SEBASTIAN

CONDUCTED BY INVESTIGATOR KILLEN

ON OCTOBER 21, 2014 AT 0507 HOURS

AT AREA CENTRAL POLICE HEADQUARTERS

LOG# 1072125
Attachment ~~158~~ 158



1 KILLEN: This is the audio recorded interview of Officer
2 Daphne regarding Log number 1072125 U number 14
3 dash 36. Today (NOISE) is the 21st of October
4 2014. And the time is approximately 0507 hours.
5 This statement is bein' taken at Area Central
6 Police Headquarters. Uh my name is Investigator
7 Killen, that's spelled K I L L E N. My star
8 number is 1 2 9. (noise) Present is uh Attorney
9 Dan Herbert. Dan if you would.
10 HERBERT: D A N, Herbert, H E R B E R T.
11
12 KILLEN: And also FOP Rep Kriston Kato.
13 KATO: K R I S T O N. Last name is K A T O. FOP field
14 representative.
15
16 KILLEN: And then Officer Sebastian if you would say and
17 spell your first and last names for me.
18 P.O.SEBASTIAN: My first name is Daphne, D A P H N E. My
19 last name is Sebastian, S E B A S T I A N.
20
21 KILLEN: And what's your star number?
22 P.O.SEBASTIAN: 2 7 6 3.
23
24 KILLEN: And your employee number?
25 P.O.SEBASTIAN: [REDACTED]
26
27 KILLEN: And your date of appointment with the Department?
28 P.O.SEBASTIAN: 30 September '02.
29
30 KILLEN: And your date of birth?
31 P.O.SEBASTIAN: [REDACTED]
32

1 KILLEN: And your current unit of assignment?
2 P.O.SEBASTIAN: 8th District.
3
4 KILLEN: How long you been assigned to 8?
5 P.O.SEBASTIAN: The entire time, 12 years. Well after the
6 Academy, so 11.
7
8 KILLEN: All right and are you prepared to give a
9 statement now?
10 P.O.SEBASTIAN: Yes.
11
12 KILLEN: Okay.
13 P.O.SEBASTIAN: Uh this statement is not being given
14 voluntary but under duress. I am only giving
15 this statement because I know I will be fired if
16 I refuse.
17
18 KILLEN: And you're aware that this statement has the
19 standing of an official Department report. And
20 that any intentional falsification of any
21 question, any answer to any question would be in
22 direct violation of Department rules and
23 regulations?
24 P.O.SEBASTIAN: Yes.
25
26 KILLEN: Given that, I'd like to remind you that failure
27 to provide a complete and accurate account of
28 this incident could result in a finding of Rule
29 14 with uh discipline leading up to and including
30 separation from the Chicago Police Department.
31 Do you understand that?
32 P.O.SEBASTIAN: Yes.

1
2 KILLEN: All right so what was your duty status and
3 assignment on 20 October 2000, 2014 at
4 approximately 2150 hours?
5 P.O.SEBASTIAN: On duty. Full uniform um working Beat 813
6 Robert with a partner.
7
8 KILLEN: Okay who's your partner?
9 P.O.SEBASTIAN: Janet Mondragon.
10
11 KILLEN: Okay and where was uh what's your regular start
12 time?
13 P.O.SEBASTIAN: 2100.
14
15 KILLEN: Okay. And then uh I know you said you were in
16 full uniform. So was Officer Mondragon?
17 P.O.SEBASTIAN: Yes sir.
18
19 KILLEN: And you and Officer Mondragon were assigned a
20 vehicle?
21 P.O.SEBASTIAN: Yes.
22
23 KILLEN: What kinda vehicle?
24 P.O.SEBASTIAN: Uh marked vehicle number 8 7 7 9.
25
26 KILLEN: That a car, Tahoe?
27 P.O.SEBASTIAN: That's a, uh Explorer.
28
29 KILLEN: Okay. All right and then on 20 October 2014
30 approximately 2150 hours you and Officer
31 Mondragon were witness to a police-involved
32 shooting correct?

1 P.O.SEBASTIAN: Correct.
2
3 KILLEN: And if you would just from the beginning just
4 explain to me what happened?
5 P.O.SEBASTIAN: Uh we were responding to a call for uh to
6 assist Beat 815 Robert. Um they had called to
7 get a taser because they said that their offender
8 had a knife.
9
10 KILLEN: And do you recall where you were at when you
11 received that?
12 P.O.SEBASTIAN: Uh right around 55th and Kostner.
13
14 KILLEN: Okay. And you received, you're getting all that
15 information over the radio correct?
16 P.O.SEBASTIAN: Correct.
17
18 KILLEN: Dispatch?
19 P.O.SEBASTIAN: Hmm huh.
20
21 KILLEN: Okay. Um and then were you the driver or
22 passenger?
23 P.O.SEBASTIAN: I was the passenger.
24
25 KILLEN: So then Officer Mondragon and you drive over to
26 where, 815 --
27 P.O.SEBASTIAN: Is calling for help, yes.
28
29 KILLEN: Okay and what happens when you get there?
30 P.O.SEBASTIAN: Um as we're in route I would get further
31 information that the offender is going eastbound
32 towards uh the Burger King, towards Pulaski on

1 foot. That he has a knife in hand. And then um
2 additionally that he punctured the tire of 815
3 Robert's car. We were northbound on Pulaski um
4 behind 845 Robert. Uh we turned westbound on 40th
5 Street which is just, the street just north of
6 the Burger King parking lot. Um as we got to the
7 Burger King parking lot 845 Robert went into the
8 parking lot um and we uh had information that the
9 offender was running through that parking lot.
10 Um --

11

12 KILLEN: You got that information over the radio?

13 P.O.SEBASTIAN: Over the radio, hmm huh. Yes. Um I see the
14 offender at quite a distance. My partner does
15 not. Um I tell her, we decide to go out onto
16 Pulaski to try and cut the offender off on
17 Pulaski. (noise) So she turns goes back on 40th
18 Street and then goes to Pulaski southbound.
19 (noise) Once we get southbound on Pulaski we get
20 to 41st Street where the offender is uh running in
21 front of like southbound um in the middle of the
22 street of Pulaski. Like in front of our car,
23 away from us. (noise)

24

25 KILLEN: So the first time you see (noise) the offender
26 where are you?

27 P.O.SEBASTIAN: First (noise) time I see the offender is
28 when (noise) we're um turning around in the
29 Burger King parking lot. The driveway of the
30 Burger King.

31

1 KILLEN: So that's after you come up Pulaski onto 40th and
2 into the parking lot?
3 P.O.SEBASTIAN: Correct. Yes.
4
5 KILLEN: So you're basically just going back around?
6 P.O.SEBASTIAN: Yes.
7
8 KILLEN: And when you see him he's runnin'?
9 P.O.SEBASTIAN: He's runnin' yes.
10
11 KILLEN: Which way does he go?
12 P.O.SEBASTIAN: He's running uh southeast basically through
13 the parking (noise) lot.
14
15 KILLEN: So toward Pulaski from --
16 P.O.SEBASTIAN: Correct.
17
18 KILLEN: -- 40th Street.
19 P.O.SEBASTIAN: Yes.
20
21 KILLEN: And when you see 'em you see 'em with a knife?
22 P.O.SEBASTIAN: I did not see a knife at that time. No.
23
24 KILLEN: If you had to guess at how far away he was, when
25 you first saw 'em?
26 P.O.SEBASTIAN: Uh well we were at one end of the parking
27 lot so all the way to the other, I mean several
28 yards. Prob'ly (noise) 50 yards.
29
30 KILLEN: (noise) Okay. So then by the time Officer
31 Mondragon's able to turn it around get back onto
32 Pulaski and go south --

1 P.O.SEBASTIAN: Hmm huh.
2
3 KILLEN: -- the offender is, is that when he's running
4 south in the street?
5 P.O.SEBASTIAN: Correct. (noise) He's already in the street
6 running south.
7
8 KILLEN: And then --
9 P.O.SEBASTIAN: At that time I can see the knife in his hand
10 as we're getting closer to him (noise) I can see
11 the knife. Um he has it in his right hand and
12 he's actually waving it back and forth. Like
13 front to back. Moving his arm back and forth as
14 he's um maybe like a fast walk, slow run
15 southbound on Pulaski.
16
17 KILLEN: Okay so what happens? So he's goin' south, you
18 guys are goin' south.
19 P.O.SEBASTIAN: Hmm huh.
20
21 KILLEN: What happens?
22 P.O.SEBASTIAN: Um --
23 HERBERT: Got to say yes.
24 P.O.SEBASTIAN: Yes.
25 HERBERT: No hmm huh's.
26 P.O.SEBASTIAN: Oh sorry. Yes.
27 HERBERT: That's okay.
28 P.O.SEBASTIAN: Uh we get to 41st Street um 845 Robert is
29 already Officers Walsh and Van Dyke are already
30 out of the car. Um we see the offender um in the
31 street still waving his, his arm with the knife.

1 Uh I heard several shots fired and the offender
2 fell to the ground.
3
4 KILLEN: At the time did you know who was shooting?
5 P.O.SEBASTIAN: I did not.
6
7 KILLEN: Did you see like Officer Van Dyke out there gun
8 pointed at 'em?
9 P.O.SEBASTIAN: I saw Officer Van Dyke and, and Officer
10 Walsh both had their guns drawn. But my
11 attention at the time of the shots fired were
12 towards the offender. Cause we were still in
13 motion. We were still moving --
14
15 KILLEN: Goin' south on --
16 P.O.SEBASTIAN: Yeah we were still moving. Cause we were
17 slow you know goin' slow at the time. (noise)
18
19 KILLEN: So when you, when you're goin' slow south on
20 Pulaski where's the offender?
21 P.O.SEBASTIAN: He's in front of us.
22
23 KILLEN: He's still in, in the street?
24 P.O.SEBASTIAN: Hmm huh. Yes, yes.
25
26 KILLEN: You see he's wavin' a knife back and forth is he
27 wavin' it at somebody or whaddoes he do?
28 P.O.SEBASTIAN: He was (noise) waving it (noise) before he
29 got towards 845 Robert he was just swinging his
30 arm back and forth. I mean he's doing all kinds
31 of like twisting body motions as he's walking.
32 (noise) Um when he got closer to them and they

1 got outta the vehicle, it (noise) he turned his
2 body towards them like the knife like (noise) in
3 a motion towards them. His, (noise) his right
4 arm did. (noise)
5
6 KILLEN: And did you see where Officers Van, Van Dyke and
7 Walsh came from? Or did they come north on
8 Pulaski toward 'em or --
9 P.O.SEBASTIAN: No. They were, they had also come from,
10 they went southbound and they were like in the,
11 um they were in the northbound lanes. And they
12 went down past him um in front of him at a great
13 distance. So they were several feet --
14
15 KILLEN: So they went south on the other side of the
16 street in the northbound lanes?
17 P.O.SEBASTIAN: Yeah. Yeah.
18
19 KILLEN: They went south.
20 P.O.SEBASTIAN: They went south like, like cause this, the
21 offender was walking kinda down the middle of the
22 street. So they went in the northbound lanes and
23 then kind of cut across in, in, in front of him.
24
25 KILLEN: Okay.
26 P.O.SEBASTIAN: Okay as to stop 'em. There was a Dunkin'
27 Donuts on the (noise) uh east side of the street.
28 So kind of in between him and the Dunkin' Donuts
29 basically (noise) what it was.
30
31 KILLEN: Does he stop walking when they cut in front of
32 'em?

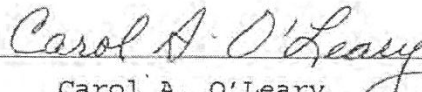
1 P.O.SEBASTIAN: No he doesn't. He's still moving.
2
3 KILLEN: Is that when he turns, so he faces --
4 P.O.SEBASTIAN: Hmm huh yeah he's still, he's still moving
5 yes.
6
7 KILLEN: And you see, you saw Officers Van Dyke and Walsh
8 get outta the car?
9 P.O.SEBASTIAN: I saw them outta the car, yes.
10
11 KILLEN: Okay saw them with guns drawn?
12 P.O.SEBASTIAN: I did.
13
14 KILLEN: Pointed at the offender?
15 P.O.SEBASTIAN: Yes.
16
17 KILLEN: But you didn't see who was shootin'?
18 P.O.SEBASTIAN: I did not.
19
20 KILLEN: At the time you couldn't tell?
21 P.O.SEBASTIAN: At the, at that time honestly at that time
22 my attention was towards the offender. (someone
23 clears throat)
24
25 KILLEN: And then, but you heard gunshots?
26 P.O.SEBASTIAN: Hmm huh. Heard gunshots.
27
28 KILLEN: Okay. Could you guess at how many you heard?
29 P.O.SEBASTIAN: I, I really don't know.
30
31 KILLEN: And what happens after you hear the gunshots?

1 P.O.SEBASTIAN: We get out of the vehicle. My partner stops
2 the vehicle, we get out. Um actually (noise) we
3 get out, we see that the offender is no longer a
4 threat. As, as my partner comes out of the car,
5 she notices that the southbound traffic is coming
6 like uh citizens vehicles coming towards the, the
7 crime scene. Cuz they're coming off of a hill,
8 off of the expressway. (noise) So um you know
9 (noise) there were plenty of officers over there
10 attending to that. Our attention turned to the
11 traffic and stopping the citizens from driving
12 into the crime scene. (noise)
13
14 KILLEN: And when you say the offender's no longer a
15 threat, whadda you mean by that?
16 P.O.SEBASTIAN: I didn't see that there was any more
17 movement. Um Officer Walsh, I saw Officer Walsh
18 (noise) um kick the knife, the, he still had the
19 knife in his hand. (noise) You could see that.
20 And he kicked it away from 'em and it was no
21 more, I didn't see any movement from the
22 offender.
23
24 KILLEN: So is the offender still standing at this time or
25 is he --
26 P.O.SEBASTIAN: Oh no he's on the ground.
27
28 KILLEN: Okay.
29 P.O.SEBASTIAN: Yeah he's on the ground.
30
31 KILLEN: So after the gunshots he's on the ground?
32 P.O.SEBASTIAN: Yes.

1
2 KILLEN: And then Officer Walsh kicks the knife from his
3 hand.
4 P.O.SEBASTIAN: Hmm huh. Yes.
5
6 KILLEN: And that's what you mean by he's no longer a
7 threat now?
8 P.O.SEBASTIAN: Yes.
9
10 KILLEN: Okay. All right. All right is there anything
11 you'd like to add?
12 P.O.SEBASTIAN: No.
13
14 KILLEN: And everything you told me is a true and accurate
15 account of what occurred?
16 P.O.SEBASTIAN: Yes sir.
17
18 KILLEN: All right this will uh conclude the audio
19 recorded interview of Officer Daphne Sebastian
20 regarding Log number 1072125 U number 14 dash 36.
21 Today is the 21st of October 2014. The time is
22 approximately 0519 hours.

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16

I, CAROL A. O'LEARY, do hereby certify or affirm that
I have impartially transcribed the foregoing from an audio
recording of the above-mentioned proceeding to the best of
my ability.


Carol A. O'Leary

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

Case id : 9825613
Sup ID : 10992767 CASR301

| | | | | | |
|-------------------|-------------------|----------------------|---------|----------------------------|---------|
| Reporting Officer | Star No | Approving Supervisor | Star No | Primary Detective Assigned | Star No |
| MARCH, David | 20563 | WOJCIK, Anthony | 481 | MARCH, David | 20563 |
| Date Submitted | Date Approved | | | Assignment Type | |
| 15-MAR-2015 18:26 | 16-MAR-2015 00:03 | | | FIELD | |

The image shows a document page where almost all text has been redacted with black bars. The redactions are organized into several distinct blocks. At the bottom left, there is a yellow exhibit label with the text 'EXHIBIT' and the number '6'. Below this, the date '3/21/16' and the initials 'ADP' are handwritten. At the bottom right, a vertical label contains the alphanumeric code 'HX475653'. The rest of the page is obscured by black redaction bars of varying lengths and widths.

HX475653

1 [REDACTED]

Printed By: LIPMAN, Matthew ()

[REDACTED]

SEBASTIAN, Daphne L -----

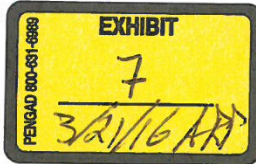
stated she was a Chicago Police Officer assigned to the 008th District. She was on duty, in uniform, working on Beat 813R. SEBASTIAN was working with Police Officer Janet MONDRAGON. The two officers were assigned to a marked vehicle. MONDRAGON was driving the vehicle and SEBASTIAN was the passenger.

The two officers responded to the request for assistance made by Beat 815R, regarding a subject with a knife. Officer SEBASTIAN thought the original call for assistance was at 40th Street and Keeler Avenue. The subject had punctured a tire on the police vehicle of Beat 815R. Officer MONDRAGON drove northbound on Pulaski Road, following Beat 845R, as they also responded to the request for assistance. MONDRAGON turned westbound onto 40th Street, behind Beat 845R.

Officer SEBASTIAN observed a black male subject, now known as Laquan MCDONALD, running southeast bound through the parking lot of the Burger King restaurant. Beat 845R pursued MCDONALD in their police vehicle, through the parking lot, toward Pulaski. SEBASTIAN told Officer MONDRAGON to drive back out onto Pulaski to assist in the pursuit. MCDONALD ran out onto Pulaski and continued to run southbound down the middle of the street. Beat 845R pursued MCDONALD in their vehicle, southbound on Pulaski, followed by Beat 813R. As MCDONALD ran southbound on Pulaski, SEBASTIAN saw the knife in his right hand. MCDONALD was waving the knife.

Beat 845R stopped their vehicle ahead of MCDONALD, between MCDONALD and the Dunkin' Donuts restaurant on the east side of Pulaski. Officers Joseph WALSH and Jason VAN DYKE exited their vehicle and drew their handguns. MCDONALD turned toward the two officers and continued to wave the knife. Sebastian heard the officers repeatedly order MCDONALD to "Drop the knife!" MCDONALD ignored the verbal directions and continued to advance on the officers, waving the knife. Officer SEBASTIAN heard multiple gunshots and MCDONALD fell to the ground, where he continued to move. SEBASTIAN did not know who fired the shots, which were fired in one continuous group. She then saw Officer WALSH kick the knife out of MCDONALD's hand.

[REDACTED]



GENERAL PROGRESS REPORT
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT DATE OF THIS REPORT
DAY MONTH YEAR DAY MONTH YEAR WATCH

2 OCT 2011 20 OCT 2011 43

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT VICTIM'S NAME AS SHOWN ON CASE REPORT BEAT/UNIT ASSIGNED
0552 VAN DYKE 5121

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

D SEBASTIAN

RESPONDED TO 845R REQUEST FOR ASSIST,
SUBJECT W/KNIFE

THOUGHT ORIGINAL CALL WAS 40+ KEOLER

O HAD PUNCTURED TIRE OF 845R

MONDRAGON DROVE N/B ON PULASKI FOLLOWING 845R,
ALSO RESPONDING

W/O ON 40 BEHIND 845R

SAW O RUNNING SE THROUGH BK LOT TOWARD PULASKI
TOLD MONDRAGON TO DRIVE BACK OUT TO PULASKI TO
ASSIST IN PURSUIT O PAN OUT TO PULASKI, THEN S/B
845R PURSUED IN VEHICLE

845R FOLLOWING S/B SAW KNIFE IN O'S R HAND
O WAVING KNIFE

845R STOPPED AHEAD OF O, BETWEEN O + DD

VW + JVD EXITED, DREW HANDGUNS

O TURNED TOWARD POS, WAVING KNIFE

HEARD POS = "DROP THE KNIFE!" REPEATEDLY

O IGNORED. CONTINUED TO ADVANCE ON POS, WAVING KNIFE

DS HEARD MULTIPLE GUNSHOTS + O FELL TO GROUND —

3 INJURED MEN/W. DS DOES NOT KNOW WHO FIRED. SITE

IN ONE CONTINUOUS GROUP. WALKER KICKED KNIFE TOWARD

REPORTING OFFICER'S SIGNATURE—STAR NO. RECEIVED BY: SUPERVISOR'S SIGNATURE—STAR NO. DAY—MO.—YR. TIME

Sebastian 2063

CPD-23.122 (Rev. 2/83)

R.D. NO.

HX 475653

**IN-CAR VIDEO SYSTEMS**

| | | | |
|-----------------|-------------------------------------|-----------------|------------------|
| ISSUE DATE: | 23 February 2012 | EFFECTIVE DATE: | 23 February 2012 |
| RESCINDS: | Version dated 20 April 2011; S10-10 | | |
| INDEX CATEGORY: | Field Operations | | |

I. PURPOSE

This directive:

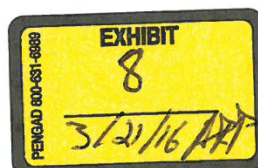
- A. implements the use of Department in-car video systems.
- B. establishes the policies and procedures for the use, maintenance, and repair of in-car video systems.
- C. establishes the roles and responsibilities of Department members affected by the introduction of in-car video systems for the video and audio recording of incidents.
- D. establishes the requirements for viewing, retaining, and duplicating digitally recorded incidents.
- E. continues the use of the Digitally Recorded Data Viewing/Hold/ Duplication Request (CPD-65.224).
- F. identifies the Records Division as the Department repository and viewing location of digitally recorded data created by the in-car video systems.

II. POLICY

The Department is committed to protecting the safety and welfare of its members and the public. The in-car video systems can provide members with an invaluable instrument to enhance criminal prosecution by providing powerful evidence of criminal activity, limit civil liabilities, and objectively document officer conduct during individual interactions. Members assigned to a vehicle equipped with an in-car video system will use it pursuant to this directive.

III. GENERAL INFORMATION

- A. There is no expectation of privacy for Department members related to incidents recorded by in-car video systems. Supervisors, members of Bureau of Internal Affairs, and the Independent Police Review Authority (IPRA) investigators may request to review the digitally recorded data from a vehicle equipped with an in-car video system. Any digitally recorded data created by the in-car video system may be used without a Department member's permission for any official Departmental purpose.
- B. The in-car video system will **automatically engage audio and video recording** when the vehicle's emergency-roof lights are activated. However, Department members may manually activate the in-car video system without the activation of the emergency equipment. At the conclusion of the incident, Department members must manually disengage all recording processes, regardless of what method activated the in-car video system.
- C. The Records Division will be the custodians of the digitally recorded data and will be responsible for the retention, duplication, and viewing of the in-car video systems. The Director, Records Division, will establish retention, viewing, and duplication procedures that provide for inventory control, the security of the digitally recorded data, and authorized duplications.
- D. All digitally recorded data created by the in-car video systems will be retained by the Records Division for a minimum of 90 days. Digitally recorded data that is marked and held as having evidentiary or training value will be retained as prescribed by law and established Department policy.
- E. In general, minor infractions and minor deviations from Department policy observed through the review of digitally recorded data will not be subject to the disciplinary process and will be treated as a training opportunity.



IV. RECORDING GUIDELINES

- A. Department members will use only Department-issued video and audio recording equipment.
- B. Department members will conform to all laws and Department policies concerning the use of the in-car video system for the video and audio recording of incidents.
 - 1. Department members are lawfully permitted to video record individuals without their consent if they are on the public way or in public view.
 - 2. Department members who are in uniform and have identified their office are lawfully permitted to simultaneously audibly and visually record individuals without their consent whenever:
 - a. the member is conducting an enforcement stop, **or**
 - b. the patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement.

NOTE: Any reports completed for an audibly recorded incident, including Traffic Stop Statistical Study - Driver Information Cards (CPD-21.103), Traffic Stop Statistical Study Stickers (CPD-15.516), and Personal Service Citations, must include the initial violation or investigatory need that led to the stop.

NOTE: Department members may audibly record an enforcement stop regardless of the subsequent enforcement action taken.

- 3. Department members may audibly and visually record an individual with the consent of the individual.
- C. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to simultaneously audibly and visually record the entire incident for all enforcement stops.
- D. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to visually record the entire incident for all:
 - 1. arrests and transports.
 - 2. nonpursuit emergency vehicle operations.
 - 3. any situation that the member, through training and experience, believes to serve a proper police purpose.
- E. During the recording of an incident, Department members will not disengage the in-car video system until the entire incident has been recorded.

NOTE: Department members will be required to justify any disengagement of the in-car video system prior to the entire incident being recorded.

- F. If recorded, felony and misdemeanor arrests, motor vehicle pursuits, traffic crashes resulting in property damage, personal injury, or a fatality, DUI incidents, and failure to yield to an emergency vehicle will be automatically stored by the in-car video system indefinitely when the correct event is selected from the postevent pop-up menu. All other incidents will be automatically stored for ninety days.
- G. If digitally recorded data will be needed in judicial proceedings beyond ninety days, members will place an extended hold on that digitally recorded data as described in Item VIII of this directive, including but not limited to the following circumstances:
 - 1. Traffic stops other than DUI,

2. Enforcement stops,
 3. Other traffic crash investigations, and
 4. Stops for citizen assistance.
- H. When a complaint against a Department member is received that involves a digitally recorded incident, the investigating member will request an extended hold on the data.
- I. Assigned supervisors will request an extended hold on all digitally recorded motor vehicle pursuits and traffic crashes involving Department vehicles.

V. DEPLOYMENT OF THE IN-CAR VIDEO SYSTEMS

- A. Commanding officers of units with vehicles equipped with in-car video systems will:
1. ensure that vehicles equipped with in-car video systems are evenly distributed for use by all watches.
- NOTE:** Commanding officers will ensure the units assigned to traffic duties in district law enforcement use vehicles equipped with in-car video systems.
2. whenever feasible, ensure vehicles equipped with the in-car video systems are deployed every tour of duty and service is requested for inoperable vehicles equipped with in-car video systems.
- B. The station supervisors will:
1. deploy every vehicle equipped with a functional in-car video system during the tour of duty.
 2. ensure digitally recorded data is downloaded from the in-car video systems.
 3. whenever operationally feasible, review video of any arrest recorded by the in-car video system as part of the approval of probable cause.

VI. OPERATIONAL PROCEDURES

- A. Department members assigned to a Department vehicle equipped with an in-car video system will:
1. at the beginning of a tour of duty:
 - a. visually inspect the in-car video system equipment for damage.
 - b. obtain the remote transmitter/audio recorder and ensure it is securely attached to the member's person.
 - c. follow the start-up procedures for the in-car video system as trained and ensure the system is working properly.

NOTE: Members will immediately notify a supervisor if, at any time, the in-car video system is inoperable, damaged, the equipped vehicle becomes inoperable, or the remote transmitter/audio recorder is missing.
 2. during the tour of duty:
 - a. audibly and visually record events in accordance with this directive.
 - b. annotate all reports, including Contact Information Cards (CPD-21.101), prepared for an event which has been recorded by listing "**Video Recorded Incident**" at the end of the narrative portion.

- c. after an incident has been recorded, use the post-event pop-up menu to select the most serious recorded occurrence as the event type and enter other event information.

NOTE: If the member did not use the postevent pop-up menu to mark the incident as being held for evidence, the member will request an extended hold on digitally recorded data in accordance with Item VIII of this directive.

- d. if the in-car video system indicates that the memory required to record incidents is becoming low or if the member observes that less than 30 minutes of recording time is available, download the digitally recorded data.

3. at the conclusion of a tour of duty:

- a. verify the in-car video system is working properly.
- b. initiate the downloading of the digitally recorded data.

NOTE: Members will immediately notify a supervisor if unable to complete the downloading of digitally recorded data due to technical problems.

- c. shut down the in-car video system and logoff the system.
- d. return the remote transmitter/audio recorder to the designated area for charging.

B. The sergeant assigned to supervise Department members using Department vehicles equipped with an in-car video system will:

- 1. monitor subordinates to ensure the in-car video system is used and that digitally recorded data is properly downloaded.
- 2. ensure that the Help Desk is contacted and a ticket number is obtained whenever any member is unable to use the in-car video system or download digitally recorded data due to technical problems.
- 3. initiate an investigation when notified of a missing or lost remote transmitter/audio recorder.
- 4. document on the Supervisor's Management Log (CPD-11.455):
 - a. whether each vehicle has an in-car video system and if it is functioning.
 - b. all responses related to malfunctions of vehicles equipped with in-car video systems.
 - c. digitally recorded data downloaded to land-based terminals, noting any units unable to complete the download and the Help Desk ticket number obtained.
 - d. any request submitted for an extended hold of digitally recorded data.
 - e. any instances of additional training, corrective measures, or disciplinary actions.
- 5. document on the Traffic Pursuit Report (CPD-22.958) or traffic crash report that the incident has been digitally recorded.
- 6. obtain a complaint register number and order an evidence technician to process the equipment if any damage or malfunction is suspected to have been caused by deliberate (tampering) means.

C. Station supervisors will:

- 1. designate a sergeant responsible for monitoring the downloading of digitally recorded data for the watch.

2. record the total number of vehicles equipped with in-car video systems deployed during the watch and the total number of these vehicle that do not have a functioning in-car video system, if any, on the Watch Incident Log (CPD-21.916).
 3. ensure the status of vehicles equipped with in-car video systems is recorded on the Personal Equipment Log (CPD-21.919) by recording the word "VIDEO" in the "Camera/Tripod No." column.
 4. if an in-car video system malfunctions or the system or vehicle becomes inoperable **during** the tour, record the vehicle and beat numbers and the words "VIDEO DOWN" on the Watch Incident Log.
- D. When digitally recorded data is determined to have evidentiary or training value, or a complaint against a Department member is received that involves a digitally recorded incident, the supervisor reviewing the recorded data will request an extended hold on the data.

VII. DOWNLOADING DIGITALLY RECORDED DATA FROM THE IN-CAR VIDEO SYSTEM

- A. When downloading digitally recorded data from the mobile unit of an in-car video system to a land-based terminal, Department members will:
1. download the data in accordance with the manufacturer's guidelines and training.
 2. ensure the download of data was complete and return the vehicle back into service.
- B. With the approval of the station supervisor in the district of occurrence, special requests for the immediate viewing of digitally recorded data from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA will be processed for major incidents where an in-car camera system may be reasonably expected to have captured a component of the incident.
1. Major incidents include, but are not limited to:
 - a. police-involved shootings,
 - b. serious injury or death to a Department member,
 - c. serious injury or death to a member of the public.
 2. Special requests for viewing digitally recorded data will be made to the station supervisor in the district of occurrence, who will:
 - a. evaluate the request;
 - b. determine if the need for retrieval outweighs the operational impact of the vehicle being taken out of service; and
 - c. notify Crime Prevention and Information Center (CPIC) of the decision.
 3. Special requests will be in the form of one of the following types:
 - a. Special wireless upload, or
 - b. Emergency on-site retrieval.
- C. Special Wireless Uploads
1. The station supervisor in the district of occurrence will take the vehicle out of service and secure it at the unit of assignment or other appropriate location.
 2. The supervisor will:
 - a. verify that the vehicle operator or partner is signed on to the in-car camera system;
 - b. instruct the member to manually flag the entire tour of duty's available video for upload;

- c. instruct the member to initiate a manual upload of this video with the vehicle in range of the facility's wireless hotspot; and

NOTE: If video cannot be uploaded via wireless hotspot, a cradle upload will be used.

- d. ensure that the vehicle remains out of service until the upload is complete.
3. Once complete, the station supervisor will allow personnel from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA, as appropriate, to review the uploaded files.

NOTE: For officer-involved shootings when an On-Call Incident Commander (OCIC) will respond, an emergency on-site retrieval will be immediately requested through CPIC.

4. The station supervisor may identify an alternate vehicle for the member to use while the identified vehicle completes its video upload, as appropriate.
5. If an attempt to wirelessly upload is unsuccessful, members may contact the City of Chicago Help Desk at 4-DATA for assistance.
6. If a wireless upload fails, an emergency on-site retrieval will be conducted.

D. Emergency On-Site Retrieval

1. The station supervisor in the district of occurrence will notify CPIC of an approved emergency on-site retrieval.

NOTE: An emergency on-site retrieval will only be conducted when an OCIC is responding or a wireless upload fails and contacting the City of Chicago Help Desk at 4-DATA has not resolved the problem.

2. CPIC will notify the Public Sector Information Technology (PSIT) Group personnel of a manual video retrieval from the "fail-safe" internal drive request.
3. The station supervisor in the district of occurrence will take the identified vehicle out of service during the retrieval process.
4. If the identified vehicle is still in use when the designated supervisor arrives at the unit facility or other appropriate location, the supervisor will report to the vehicle and instruct any member logged onto the system to log off the system.
5. The vehicle will remain out of service until PSIT responds and conducts the video retrieval.

NOTE: On-site review of video will be limited to the series of events and time frame giving rise to the alleged incident.

E. Viewing and Obtaining Copies of In-Car Video Recordings

1. Once retrieval has been completed for the requested time frame, the video may be viewed by personnel from the requesting party at the location of retrieval.
2. Requests for copies of in-car video recordings will be made by completing the form entitled "Digitally Recorded Data Viewing/Hold/Duplication Request" (CPD-65.224) and forwarding it to the Records Division.

F. The Managing Deputy Director, PSIT, will:

1. establish procedures to ensure the security of the digitally recorded data from downloading to storage by the Records Division.

2. develop a system to monitor the memory capacity of the land-based terminals and provide for the security of the downloaded data.
- G. If members are unable to download digitally recorded data from the mobile unit of the in-car video system to the land-based terminals due to system inoperability:
 1. the station supervisor will notify the Help Desk and follow any further instructions given by the responding member of PSIT.
 2. A designated member of PSIT will respond to the requesting unit and:
 - a. ensure the security of the digitally recorded data.
 - b. perform a manual download of the digitally recorded data.
 - c. record the manual download on the Help Desk ticket.

VIII. REQUESTING A HOLD FOR DIGITALLY RECORDED DATA

- A. Department members will place an extended hold on digitally recorded data they recorded using the postevent pop-up menu on the in-car video system.
- B. **Within the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will request that a supervisor place the extended hold by using the land-based terminal at the district/unit station.
- C. **After the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will:
 1. complete the Digitally Recorded Data Viewing/Hold /Duplication Request form.
 2. indicate on the form the necessary actions by the Records Division.
 3. explain in the narrative portion of the form the reason for the request.
 4. submit the form to the station supervisor/designated unit supervisor for approval.
 5. submit the completed and approved form to the Records Division for processing and retention in accordance with existing records-retention requirements.
- D. Department members who wish to remove an extended hold on digitally recorded data will follow the procedures outlined in Item VIII-C of this directive indicating the circumstances requiring the removal of the extended hold.
- E. The Director, Records Division, will:
 1. develop a cataloging system for storage and retrieval of recordings and procedures for ensuring archives are maintained consistent with Department directives (including the Forms Retention Schedule), applicable state and federal laws, and compliance with all court orders.
 2. be responsible for retaining digitally recorded data for which an extended hold was requested as prescribed by law and established Department policy.

IX. VIEWING, RETAINING, AND DUPLICATING DIGITALLY RECORDED DATA

- A. All digitally recorded data created by the in-car video systems are the property of the Chicago Police Department. **Dissemination of any digitally recorded data outside the Department is strictly prohibited without specific authorization by the Superintendent or an appointed designee.**
 1. Any non-Departmental requests for duplication of digitally recorded data must be approved by the Superintendent or an appointed designee.

2. All approved requests will be forwarded in an expeditious manner to the Director, Records Division, along with:
 - a. a completed and approved Digitally Recorded Data Viewing/Hold/Duplication Request form, and
 - b. written instructions, including dissemination information, for compliance with the request.
- B. Department members assigned to vehicles equipped with in-car video systems and their supervisors are encouraged to use the review/ playback functions of the system for the purposes of:
 1. developing familiarity with the functions, capabilities, and limitations of the in-car video systems to create consistent recording techniques which capture relevant actions.
 2. searching for and identifying recorded events having evidentiary or training value.
 3. reviewing approach and officer safety issues.
 4. ensuring consistency with written reports.
- C. Reviewing Digitally Recorded Data

Investigating members may view digitally recorded data in the performance of official police business. When it is necessary to view digitally recorded data stored by the Records Division, the following procedures will apply:

 1. The requesting Department member will:
 - a. prepare a Digitally Recorded Data Viewing / Hold / Duplication Request form, including approval of the requestor's station supervisor/designated unit supervisor.
 - b. schedule an appointment to view the recorded incident with a Records Division supervisor (or an appointed designee) to ensure the availability of a technician and playback equipment.
 - c. present the properly completed and approved form to a Records Division supervisor at the scheduled time.
 2. A Records Division supervisor will:
 - a. process all approved recorded incident review requests.
 - b. assign a technician to assist the requestor in viewing the recorded incident, as required.
- D. Obtaining a Video Recording
 1. A duplicate copy of selected information may be made to retain that information:
 - a. when it is not required that the master video be retained for an indefinite period (e.g., investigation of a routine administrative incident when the punishment is of a summary or minor nature).
 - b. when the requesting member determines that a duplicate video of a master video will be sufficient.
 2. A duplicate video recording may be obtained by:
 - a. completing a Digitally Recorded Data Viewing / Hold / Duplication Request form and submitting the completed form to the station supervisor/designated unit supervisor for approval.
 - b. notifying the Records Division that a duplicate video recording is required and submit the approved Digitally Recorded Data Viewing/Hold/ Duplication Request form to the Director, Records Division.

- c. indicating to the Records Division which information from the digitally recorded data is to be included on the duplicate video recording.
3. When the duplicate video recording has served the purpose for which it was made, the requesting member will ensure that it is immediately returned to the Records Division.

NOTE: A member requesting a duplicate video recording will not make additional copies of it or permit unauthorized persons to duplicate or view it under any circumstances.

E. Special Situations

When the Records Division receives a request for an extended hold of digitally recorded data that indicates it pertains to:

1. **a motor vehicle pursuit or traffic crash involving a Department vehicle**, the Director, Records Division, will ensure a duplicate video is forwarded to the Traffic Review Board.
2. **an incident having training value**, the Director, Records Division, will ensure a duplicate video is forwarded to the Deputy Chief, Education and Training Division.

(Items indicated by italics/double underline were revised or added.)

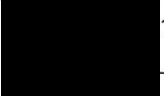
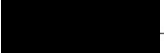
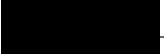


Authenticated by: RMJ

Garry F. McCarthy
Superintendent of Police

11-055 / 12-003 EGV/RJN

In Car Camera Video Retrieval Work Sheet

Date & Time of Notification: 20 Oct 14 2230 hrs Related HDT# DP3 CMD
 Requestor: Det CITEK McNAUGHTON Tech: BOENAR
 Location of response: 4100 S PULASKI
 Type of Incident requiring retrieval: POLICE INVOLVED SHOOTING - FATAL: OFFENDER
 Location of Incident: 4100 S PULASKI Date & Time of Incident 20 OCT 14 2147
 Related RD#, Event#, and/or CR Log#: HX475453

| | | | | |
|--------------------------------|--|-----------------------------------|--------------|---------------|
| Vehicles to be checked: | | | 215250 | |
| 813R Veh# <u>8778</u> POS PC#: |  | Results: <u>20141020 214218</u> | MHAD | 30000214 |
| 815R Veh# <u>8489</u> POS PC#: |  | Results: | | |
| 822 Veh# <u>8765</u> POS PC#: |  | Results: | | |
| 845R Veh# <u>642</u> POS PC#: |  | Results: <u>20141020 214543</u> | out of frame | MHAD 00003227 |
| 841R Veh# <u>8948</u> POS PC#: |  | Results: <u>1405 NO OPEN 1405</u> | | |

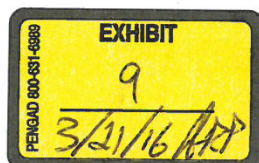
List additional Vehicle to be checked and results on back of this form

Note: Any vehicles identified to be checked, will be evaluated for operational readiness as well. Any deficiencies of the ICC System will be noted i.e. MIC(s) are not sync'd; rear camera not working; cannot upload; etc. Actions to rectify the issue should be taken to render the system FULLY FUNCTIONAL!

Notes of work or activities performed:

8778: Mics in Glove Box Portals Inserted Upside Down
→ Fully OK
8489: PROCESSING VIDEOS: extremely large video files
8765: Mics in CHARGING CHARGE; NOT SYNC'D TO SYSTEM
642: No Mics; MIC CHARGE DISCONNECTED
8948

THIS INFORMATION DISCLOSED TO BROTHERS; DC McNAUGHTON; & COPIED
 Tech: DISC SUPERVISORS ON SCENE
DURING VIEWING



20 OCT 2014 , HY475653

Page 1 of 1

20 OCT 2014 , HY475653

Becvar, Lance J.

Sent: Friday, July 17, 2015 12:33 PM

To: Lewin, Jonathan H.

Cc: Dziak, Steven E.

Hello Dep Lewin,

Per your request the findings related to the Aggravated Assault / Police involved Shooting on 20 Oct 2014 Listed under RD# HY 475653:

Findings from that night-

Veh 8779 Video Recovered Titled [REDACTED] @20141020215250, No MICs because they were in the Glove Compartment with the batteries inserted upside down - Disabling them.

Veh 8489 System not engaged because a very long video (like hours long) was made previous to this event/incident and the system was processing that video and unable to start another video.

Veh 8765 System not engaged, officer related no power. There was no open HDT called in on vehicle. MICs not sync'd to system even though they were in the charging cradles.

Veh 6412 Video Recovered Titled [REDACTED] @20141020215250 view out of focus. Focusing problem found to be related to a loose cable connection for the camera. No MICs in vehicle and the charging cradles disconnected from power.

Veh 8949 System not engaged, officer reported that there was an application error - Mobile Recorder Start-Up corrupted. No Help Desk Ticket Open for this vehicle.

Sgt Lance Becvar

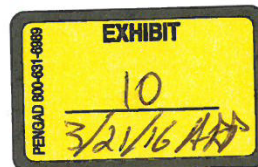
Mobile Tech Supervisor

Information Services Division

Chicago Police Department

Cell# 312-446-3305

E-mail: lance.becvar@chicagopolice.org



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